

SECOND REGULAR SESSION

# HOUSE BILL NO. 1514

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RHOADS.

5459L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 451.040, RSMo, and to enact in lieu thereof one new section relating to marriage licenses, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 451.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 451.040, to read as follows:

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. **If an applicant is unable to sign the application in the presence of the recorder of deeds as a result of the applicant's incarceration, the recorder of deeds may issue a license if:**

**(1) An affidavit or sworn statement is submitted by the incarcerated applicant on a form furnished by the recorder of deeds which includes the necessary information for the recorder of deeds to issue a marriage license under this section. The form shall include, but not be limited to, the following:**

**(a) The names of both applicants for the marriage license;**

**(b) The date of birth of the incarcerated applicant;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           (c) An attestation by the incarcerated applicant that both applicants are not  
18 related;

19           (d) The date the marriage ended if the incarcerated applicant was previously  
20 married;

21           (e) An attestation signed by the incarcerated applicant stating in substantial part  
22 that the applicant is unable to appear in the presence of the recorder of deeds as a result  
23 of the applicant's incarceration, which shall be verified by the professional or official who  
24 directs the operations of the jail or prison, or such professional's or official's designee, and  
25 acknowledged by a notary public commissioned by the state of Missouri at the time of  
26 verification;

27           (2) The completed marriage license application of the incarcerated applicant is  
28 submitted which includes the applicant's Social Security number and proof thereof; except  
29 that, in the event the applicant does not have a Social Security number, a sworn statement  
30 by the applicant to that effect; and

31           (3) A copy of a government-issued identification for the incarcerated applicant  
32 which contains the applicant's photograph.

33           3. Each application for a license shall contain the Social Security number of the  
34 applicant, provided that the applicant in fact has a Social Security number, or the applicant shall  
35 sign a statement provided by the recorder that the applicant does not have a Social Security  
36 number. The Social Security number contained in an application for a marriage license shall be  
37 exempt from examination and copying pursuant to section 610.024. After the receipt of the  
38 application the recorder of deeds shall issue the license, unless one of the parties withdraws the  
39 application. The license shall be void after thirty days from the date of issuance.

40           [3.] 4. Any person violating the provisions of this section shall be deemed guilty of a  
41 misdemeanor.

42           [4.] 5. Common-law marriages shall be null and void.

43           [5.] 6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor  
44 shall the validity be in any way affected for want of authority in any person so solemnizing the  
45 marriage pursuant to section 451.100, if consummated with the full belief on the part of the  
46 persons, so married, or either of them, that they were lawfully joined in marriage.

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