

SECOND REGULAR SESSION

HOUSE BILL NO. 2709

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

5708H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 451.040, 451.080, and 451.090, RSMo, and to enact in lieu thereof three new sections relating to the age of marriage.

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

Section A. Sections 451.040, 451.080, and 451.090, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 451.040, 451.080, and 451.090,
3 to read as follows:

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

5 2. Before applicants for a marriage license shall receive a license, and before the
6 recorder of deeds shall be authorized to issue a license, the parties to the marriage shall
7 present an application for the license, duly executed and signed in the presence of the recorder
8 of deeds or their deputy or electronically through an online process. If an applicant is unable
9 to sign the application in the presence of the recorder of deeds as a result of the applicant's
10 incarceration or because the applicant has been called or ordered to active military duty out of
11 the state or country, the recorder of deeds may issue a license if:

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

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

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 (b) The date of birth of the incarcerated or military applicant;

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

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

22 (e) An attestation signed by the incarcerated or military applicant stating in
23 substantial part that the applicant is unable to appear in the presence of the recorder of deeds
24 as a result of the applicant's incarceration or because the applicant has been called or ordered
25 to active military duty out of the state or country, which will be verified by the professional or
26 official who directs the operation of the jail or prison or the military applicant's military
27 officer, or such professional's or official's designee, and acknowledged by a notary public
28 commissioned by the state of Missouri at the time of verification. However, in the case of an
29 applicant who is called or ordered to active military duty outside Missouri, acknowledgment
30 may be obtained by a notary public who is duly commissioned by a state other than Missouri
31 or by notarial services of a military officer in accordance with the Uniform Code of Military
32 Justice at the time of verification;

33 (2) The completed marriage license application of the incarcerated or military
34 applicant is submitted which includes the applicant's Social Security number; except that, in
35 the event the applicant does not have a Social Security number, a sworn statement by the
36 applicant to that effect; and

37 (3) A copy of a government-issued identification for the incarcerated or military
38 applicant which contains the applicant's photograph. However, in such case the incarcerated
39 applicant does not have such an identification because the jail or prison to which he or she is
40 confined does not issue an identification with a photo his or her notarized application shall
41 satisfy this requirement.

42 3. Each application for a license shall contain the Social Security number of the
43 applicant, provided that the applicant in fact has a Social Security number, or the applicant
44 shall sign a statement provided by the recorder that the applicant does not have a Social
45 Security number. The Social Security number contained in an application for a marriage
46 license shall be exempt from examination and copying pursuant to section 610.024. After the
47 receipt of the application the recorder of deeds shall issue the license, unless one of the parties
48 withdraws the application. The license shall be void after thirty days from the date of
49 issuance.

50 4. Any person violating the provisions of this section shall be deemed guilty of a
51 misdemeanor.

52 5. Common-law marriages shall be null and void.

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

57 7. In the event a recorder of deeds utilizes an online process to accept applications for
58 a marriage license or to issue a marriage license and the applicants' identity has not been
59 verified in person, the recorder of deeds shall have a two-step identity verification process or
60 a process that independently verifies the identity of such applicants. Such process shall be
61 adopted as part of any electronic system for marriage licenses if the applicants do not present
62 themselves to the recorder of deeds or his or her designee in person. It shall be the
63 responsibility of the recorder of deeds to ensure any process adopted to allow electronic
64 application or issuance of a marriage license verifies the identities of both applicants. The
65 recorder of deeds shall not accept applications for or issue marriage licenses through the
66 process provided in this subsection unless ~~[both applicants are at least eighteen years of age~~
67 ~~and]~~ at least one of the applicants is a resident of the county or city not within a county in
68 which the application was submitted.

451.080. 1. The recorders of the several counties of this state, and the recorder of the
2 city of St. Louis, shall, when applied to by any person legally entitled to a marriage license,
3 issue the same which may be in the following form:

4 State of Missouri)
5)
6 ss.
7)
8 County of _____)

9 This license authorizes any judge, associate circuit judge, licensed or
10 ordained preacher of the gospel, or other person authorized under the laws
11 of this state, to solemnize marriage between A B of _____, county of ____
12 __ and state of _____, who is _____ the age of eighteen years, and C D
13 of _____, in the county of _____, state of _____, who is _____ the age
14 of eighteen years.

15 2. ~~[If the man is under eighteen or the woman under eighteen, add the following:]~~
16 ~~[The custodial parent or guardian, as the case may be, of the said A B or C~~
17 ~~D (A B or C D, as the case may require), has given his or her assent to the~~
18 ~~said marriage.]~~
19 ~~[Witness my hand as recorder, with the seal of office hereto affixed, at my~~
20 ~~office, in _____, the _____ day of _____, 20_____, recorder:]~~

21 [3-] On which such license the person solemnizing the marriage shall, within fifteen
22 days after the issuing thereof, make as near as may be the following return, and return such
23 license to the officer issuing the same:

24 State of Missouri)
25)
26 ss.
27)
28 County of _____)

29 This is to certify that the undersigned _____ did at _____, in said county,
30 on the _____ day of _____ A.D. 20_____, unite in marriage the above-
31 named persons.

451.090. 1. No recorder shall issue a license authorizing the marriage of any male or
2 female under [sixteen] **eighteen** years of age [~~nor shall a license be issued authorizing the~~
3 ~~marriage of any male or female twenty one years of age or older to a male or female under~~
4 ~~eighteen years of age~~].

5 2. [~~No recorder shall issue a license authorizing the marriage of any male or female~~
6 ~~under the age of eighteen years, except with the consent of his or her custodial parent or~~
7 ~~guardian, which consent shall be given at the time, in writing, stating the residence of the~~
8 ~~person giving such consent, signed and sworn to before an officer authorized to administer~~
9 ~~oaths.~~

10 3-] The recorder shall state in every license whether the parties applying for same[;
11 ~~one or either or both of them,] are of age[; or whether the male is under the age of eighteen~~
12 ~~years or the female under the age of eighteen years, and if the male is under the age of~~
13 ~~eighteen years or the female is under the age of eighteen years, the name of the custodial~~
14 ~~parent or guardian consenting to such marriage]. Applicants shall provide proof of age to the~~
15 recorder in the form of a certified copy of the applicant's birth certificate, passport, or other
16 government-issued identification, which shall then be documented by the recorder.

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