

SECOND REGULAR SESSION

SENATE BILL NO. 796

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time January 29, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5669S.011

AN ACT

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

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Section A. Section 451.040, RSMo, is repealed and one new section
2 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
2 purpose shall be obtained from the officer authorized to issue the same, and no
3 marriage contracted shall be recognized as valid unless the license has been
4 previously obtained, and unless the marriage is solemnized by a person
5 authorized by law to solemnize marriages.

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

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

22 (d) The date the marriage ended if the incarcerated applicant
23 was previously married;

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

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

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

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

47 [3.] 4. Any person violating the provisions of this section shall be deemed
48 guilty of a misdemeanor.

49 [4.] 5. Common-law marriages shall be null and void.

50 [5.] 6. Provided, however, that no marriage shall be deemed or adjudged
51 invalid, nor shall the validity be in any way affected for want of authority in any
52 person so solemnizing the marriage pursuant to section 451.100, if consummated
53 with the full belief on the part of the persons, so married, or either of them, that
54 they were lawfully joined in marriage.

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