

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 767 & 1342

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, with existing penalty provisions.

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Section A. Sections 451.040, 451.080, and 451.090, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 451.040, 451.080, and 451.090, to read as follows: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 or electronically through an online process. 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 or because the applicant has been called or ordered to active military duty out of the state or country, the recorder of deeds may issue a license if:

(1) An affidavit or sworn statement is submitted by the incarcerated or military 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 or military applicant;

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

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

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

(2) The completed marriage license application of the incarcerated or military applicant is submitted which includes the applicant's Social Security number; except that, in the event the applicant does not have a Social

Security number, a sworn statement by the applicant to that effect; and

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

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

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

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

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

7. In the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to

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

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

State of Missouri)
)
 ss.
)
County of _____)

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

of _____, who is _____ the age of eighteen years.

2. [If the man is under eighteen or the woman under eighteen, add the following:

The custodial parent or guardian, as the case may be, of the said A B or C D (A B or C D, as the case may require), has given his or her assent to the said marriage.

Witness my hand as recorder, with the seal of
office hereto affixed, at my office, in _____,
the _____ day of _____, 20____, recorder.

3.1 On which such license the person solemnizing the marriage shall, within fifteen days after the issuing thereof, make as near as may be the following return, and return such license to the officer issuing the same:

State of Missouri)
)
)
 ss.
)
 County of)

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

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

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

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