

# SENATE BILL NO. 767

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

2840S.01H

KRISTINA MARTIN, Secretary

## 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,  
2 are repealed and three new sections enacted in lieu thereof, to  
3 be known as sections 451.040, 451.080, and 451.090, to read as  
4 follows:

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

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

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

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

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

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

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

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

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

50           (2) The completed marriage license application of the  
51 incarcerated or military applicant is submitted which  
52 includes the applicant's Social Security number; except  
53 that, in the event the applicant does not have a Social  
54 Security number, a sworn statement by the applicant to that  
55 effect; and

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

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

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

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

78           6. Provided, however, that no marriage shall be deemed  
79 or adjudged invalid, nor shall the validity be in any way  
80 affected for want of authority in any person so solemnizing  
81 the marriage pursuant to section 451.100, if consummated

82 with the full belief on the part of the persons, so married,  
83 or either of them, that they were lawfully joined in  
84 marriage.

85 7. In the event a recorder of deeds utilizes an online  
86 process to accept applications for a marriage license or to  
87 issue a marriage license and the applicants' identity has  
88 not been verified in person, the recorder of deeds shall  
89 have a two-step identity verification process or a process  
90 that independently verifies the identity of such  
91 applicants. Such process shall be adopted as part of any  
92 electronic system for marriage licenses if the applicants do  
93 not present themselves to the recorder of deeds or his or  
94 her designee in person. It shall be the responsibility of  
95 the recorder of deeds to ensure any process adopted to allow  
96 electronic application or issuance of a marriage license  
97 verifies the identities of both applicants. The recorder of  
98 deeds shall not accept applications for or issue marriage  
99 licenses through the process provided in this subsection  
100 unless [both applicants are at least eighteen years of age  
101 and] at least one of the applicants is a resident of the  
102 county or city not within a county in which the application  
103 was submitted.

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

6 State of Missouri )  
7 )  
8 ss.

9 )

10 County of \_\_\_\_\_ )

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

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

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

23 Witness my hand as recorder, with the seal of office hereto  
24 affixed, at my office, in \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
25 20\_\_\_\_\_, recorder.]

26 [3.] 2. On which such license the person solemnizing  
27 the marriage shall, within fifteen days after the issuing  
28 thereof, make as near as may be the following return, and  
29 return such license to the officer issuing the same:

30 State of Missouri )

31 )

32 ss.

33 )

34 County of \_\_\_\_\_ )

35 This is to certify that the undersigned \_\_\_\_\_ did at  
36 \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D.  
37 20\_\_\_\_\_, unite in marriage the above-named persons.

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

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

14 3.] 2. The recorder shall state in every license  
15 whether the parties applying for same ~~[, one or either or~~  
16 ~~both of them,]~~ are of age ~~[, or whether the male is under the~~  
17 ~~age of eighteen years or the female under the age of~~  
18 ~~eighteen years, and if the male is under the age of eighteen~~  
19 ~~years or the female is under the age of eighteen years, the~~  
20 ~~name of the custodial parent or guardian consenting to such~~  
21 ~~marriage]~~. Applicants shall provide proof of age to the  
22 recorder in the form of a certified copy of the applicant's  
23 birth certificate, passport, or other government-issued  
24 identification, which shall then be documented by the  
25 recorder.

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