

FIRST REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 270

99TH GENERAL ASSEMBLY

0854H.03C

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 451.020 and 451.090, RSMo, and to enact in lieu thereof two new sections relating to marriage licenses.

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

Section A. Sections 451.020 and 451.090, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 451.020 and 451.090, to read as follows:

2 451.020. All marriages between parents and children, including grandparents and  
2 grandchildren of every degree, between brothers and sisters of the half as well as the whole  
3 blood, between uncles and nieces, aunts and nephews, first cousins, and between persons who  
4 lack capacity to enter into a marriage contract, are presumptively void; and it shall be unlawful  
5 for any city, county or state official having authority to issue marriage licenses to issue such  
6 marriage licenses to the persons heretofore designated, and any such official who shall issue such  
7 licenses to the persons aforesaid knowing such persons to be within the prohibition of this  
8 section shall be deemed guilty of a misdemeanor; and this prohibition shall apply to persons born  
9 out of lawful wedlock as well as those in lawful wedlock. It shall be presumed that marriages  
10 between persons who lack capacity to enter into a marriage contract are prohibited ~~[unless the~~  
11 ~~court having jurisdiction over such persons approves the marriage]~~.

451.090. 1. No recorder shall, in any event ~~[except as herein provided]~~, issue a license  
2 authorizing the marriage of any person under ~~[fifteen]~~ **seventeen** years of age~~[- provided;~~  
3 ~~however, that such license may be issued on order of a circuit or associate circuit judge of the~~  
4 ~~county in which the license is applied for, such license being issued only for good cause shown~~  
5 ~~and by reason of such unusual conditions as to make such marriage advisable]~~.

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.

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

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

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