

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1630, Page 1, Section A, Line 2, by inserting immediately after all of said
2 section and line the following:

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

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

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

18 (a) The names of both applicants for the marriage license;
19 (b) The date of birth of the incarcerated or military applicant;
20 (c) An attestation by the incarcerated or military applicant that both applicants are not
21 related;

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

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

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

Action Taken _____ Date _____

1 and

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

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

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

15 5. Notwithstanding any provision of law to the contrary, common-law marriages shall be
16 ~~[null and void]~~ recognized by this state.

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

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.