

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 725,
2 Page 45, Section 442.404, Line 37, by inserting after all of said section and line the following:

3
4 "451.040. 1. Previous to any marriage in this state, a license for that purpose shall be
5 obtained from the officer authorized to issue the same, and no marriage contracted shall be
6 recognized as valid unless the license has been previously obtained, and unless the marriage is
7 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 or
11 electronically through an online process. If an applicant is unable to sign the application in the
12 presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant
13 has been called or ordered to active military duty out of the state or country, the recorder of deeds
14 may issue a license if:

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

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

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

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

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

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

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1 military duty outside Missouri, [~~acknowledgement~~] acknowledgment may be obtained by a notary
2 public who is duly commissioned by a state other than Missouri or by notarial services of a military
3 officer in accordance with the Uniform Code of Military Justice at the time of verification;

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

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

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

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

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

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

26 7. In the event a recorder of deeds utilizes an online process to accept applications for a
27 marriage license or to issue a marriage license and the applicants' identity has not been verified in
28 person, the recorder shall have a two-step identity verification process or a process that
29 independently verifies the identity of such applicants. Such process shall be adopted as part of any
30 electronic system for marriage licenses if the applicants do not present themselves to the recorder or
31 his or her designee in person. It shall be the responsibility of the recorder to ensure any process
32 adopted to allow electronic application or issuance of a marriage license verifies the identities of
33 both applicants. The recorder shall not accept applications for or issue marriage licenses through
34 the process provided in this subsection unless at least one of the applicants is a resident of the
35 county or city not within a county in which the application was submitted."; and

36
37 Further amend said bill by amending the title, enacting clause, and intersectional references
38 accordingly.