

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2318

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DATE	D-PG	OFFICIAL STATUS
03/01/2023	1198	Introduction and first reading Referred to Judiciary and Public Safety
03/15/2023	1761a	Comm report: To pass as amended
	1791	Second reading
	11498	Rule 47, returned to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to marriage; changing the process by which a person with a felony

1.3 conviction applies for a name change; amending Minnesota Statutes 2022, sections

1.4 259.13, subdivision 1; 517.08, subdivisions 1a, 1b.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 259.13, subdivision 1, is amended to read:

1.7 Subdivision 1. **Procedure for seeking name change.** (a) A person with a felony

1.8 conviction under Minnesota law or the law of another state or federal jurisdiction shall serve

1.9 a notice of application for a name change on the prosecuting authority that obtained the

1.10 conviction against the person when seeking a name change through one of the following

1.11 procedures:

1.12 (1) an application for a name change under section 259.10; or

1.13 ~~(2) a request for a name change as part of an application for a marriage license under~~

1.14 ~~section 517.08; or~~

1.15 ~~(3)~~ (2) a request for a name change in conjunction with a marriage dissolution under

1.16 section 518.27.

1.17 If the conviction is from another state or federal jurisdiction, notice of application must also

1.18 be served on the attorney general.

1.19 (b) A person who seeks a name change under section 259.10 or 518.27 shall file proof

1.20 of service with the court as part of the name change request. ~~A person who seeks a name~~

1.21 ~~change under section 517.08 shall file proof of service with the county as part of the~~

1.22 ~~application for a marriage license.~~

2.1 (c) The name change request may not be granted during the 30-day period provided for
2.2 in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the
2.3 requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a
2.4 marriage license under section 517.08, which may be granted without the name change.

2.5 Sec. 2. Minnesota Statutes 2022, section 517.08, subdivision 1a, is amended to read:

2.6 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the
2.7 parties upon a form provided for the purpose and shall contain the following information:

2.8 (1) the full names of the parties and the sex of each party;

2.9 (2) their post office addresses and county and state of residence;

2.10 (3) their full ages;

2.11 (4) if either party has previously been married, the party's married name, and the date,
2.12 place and court in which the civil marriage was dissolved or annulled or the date and place
2.13 of death of the former spouse;

2.14 (5) whether the parties are related to each other, and, if so, their relationship;

2.15 (6) the address of the parties after the civil marriage is entered into to which the local
2.16 registrar shall send a certified copy of the civil marriage certificate;

2.17 (7) the full names the parties will have after the civil marriage is entered into and the
2.18 parties' Social Security numbers. The Social Security numbers must be collected for the
2.19 application but must not appear on the civil marriage license. If a party listed on a civil
2.20 marriage application does not have a Social Security number, the party must certify on the
2.21 application, or a supplement to the application, that the party does not have a Social Security
2.22 number;

2.23 (8) ~~if one or both of the parties~~ party to the civil marriage license has a felony conviction
2.24 under Minnesota law or the law of another state or federal jurisdiction, ~~the parties shall~~
2.25 ~~provide to the county proof of service upon the prosecuting authority and, if applicable, the~~
2.26 ~~attorney general, as required by~~ party may not change the party's name through the marriage
2.27 application process and must follow the process in section 259.13 to change the party's
2.28 name; and

2.29 (9) notice that a party who has a felony conviction under Minnesota law or the law of
2.30 another state or federal jurisdiction may not use a different name after a civil marriage
2.31 except as authorized by section 259.13, and that doing so is a gross misdemeanor.

3.1 Sec. 3. Minnesota Statutes 2022, section 517.08, subdivision 1b, is amended to read:

3.2 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
3.3 examine upon oath the parties applying for a license relative to the legality of the
3.4 contemplated civil marriage. Both parties must present proof of age to the local registrar.
3.5 If one party is unable to appear in person, the party appearing may complete the absent
3.6 applicant's information. The local registrar shall provide a copy of the civil marriage
3.7 application to the party who is unable to appear, who must verify the accuracy of the
3.8 appearing party's information in a notarized statement. The verification statement must be
3.9 accompanied by a copy of proof of age of the party. The civil marriage license must not be
3.10 released until the verification statement and proof of age has been received by the local
3.11 registrar. If the local registrar is satisfied that there is no legal impediment to it, including
3.12 the restriction contained in section 259.13, the local registrar shall issue the license,
3.13 containing the full names of the parties before and after the civil marriage, and county and
3.14 state of residence, with the county seal attached, and make a record of the date of issuance.
3.15 The license shall be valid for a period of six months. Except as provided in paragraph (b),
3.16 the local registrar shall collect from the applicant a fee of \$115 for administering the oath,
3.17 issuing, recording, and filing all papers required, and preparing and transmitting to the state
3.18 registrar of vital records the reports of civil marriage required by this section. If the license
3.19 should not be used within the period of six months due to illness or other extenuating
3.20 circumstances, it may be surrendered to the local registrar for cancellation, and in that case
3.21 a new license shall issue upon request of the parties of the original license without fee. A
3.22 local registrar who knowingly issues or signs a civil marriage license in any manner other
3.23 than as provided in this section shall pay to the parties aggrieved an amount not to exceed
3.24 \$1,000.

3.25 (b) The civil marriage license fee for parties who have completed at least 12 hours of
3.26 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
3.27 submit at the time of applying for the civil marriage license a statement that is signed, dated,
3.28 and notarized or marked with a church seal from the person who provided the premarital
3.29 education on their letterhead confirming that it was received. The premarital education must
3.30 be provided by a licensed or ordained minister or the minister's designee, a person authorized
3.31 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
3.32 and family therapy under section 148B.33. The education must include the use of a premarital
3.33 inventory and the teaching of communication and conflict management skills.

3.34 (c) The statement from the person who provided the premarital education under paragraph
3.35 (b) must be in the following form:

4.1 "I, (name of educator), confirm that (names of both
4.2 parties) received at least 12 hours of premarital education that included the use of a premarital
4.3 inventory and the teaching of communication and conflict management skills. I am a licensed
4.4 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
4.5 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
4.6 Minnesota Statutes, section 148B.33."

4.7 The names of the parties in the educator's statement must be identical to the legal names
4.8 of the parties as they appear in the civil marriage license application. Notwithstanding
4.9 section 138.17, the educator's statement must be retained for seven years, after which time
4.10 it may be destroyed.

4.11 ~~(d) If section 259.13 applies to the request for a civil marriage license, the local registrar~~
4.12 ~~shall grant the civil marriage license without the requested name change. Alternatively, the~~
4.13 ~~local registrar may delay the granting of the civil marriage license until the party with the~~
4.14 ~~conviction:~~

4.15 ~~(1) certifies under oath that 30 days have passed since service of the notice for a name~~
4.16 ~~change upon the prosecuting authority and, if applicable, the attorney general and no~~
4.17 ~~objection has been filed under section 259.13; or~~

4.18 ~~(2) provides a certified copy of the court order granting it. The parties seeking the civil~~
4.19 ~~marriage license shall have the right to choose to have the license granted without the name~~
4.20 ~~change or to delay its granting pending further action on the name change request.~~