

1-1 By: Taylor of Collin S.B. No. 1705
1-2 (In the Senate - Filed March 9, 2017; March 22, 2017, read
1-3 first time and referred to Committee on Health & Human Services;
1-4 April 27, 2017, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 27, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Schwertner</u>	X		
1-9	<u>Uresti</u>	X		
1-10	<u>Buckingham</u>	X		
1-11	<u>Burton</u>	X		
1-12	<u>Kolkhorst</u>	X		
1-13	<u>Miles</u>	X		
1-14	<u>Perry</u>	X		
1-15	<u>Taylor of Collin</u>	X		
1-16	<u>Watson</u>	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the application for and issuance of a marriage license
1-20 and the marriage of a minor.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 2.003, Family Code, is amended to read as
1-23 follows:

1-24 Sec. 2.003. APPLICATION FOR LICENSE BY MINOR. (a) A
1-25 person under 18 years of age may not marry unless the person has
1-26 been granted by this state or another state a court order removing
1-27 the disabilities of minority of the person for general purposes.

1-28 (b) In addition to the other requirements provided by this
1-29 chapter, a person under 18 years of age applying for a license must
1-30 provide to the county clerk:

1-31 (1) ~~[documents establishing, as provided by Section~~
1-32 ~~2.102, parental consent for the person to the marriage,~~

1-33 ~~[(2) documents establishing that a prior marriage of~~
1-34 ~~the person has been dissolved; or~~

1-35 ~~[(3)] a court order granted by this state under~~
1-36 ~~Chapter 31 removing the disabilities of minority of the person for~~
1-37 ~~general purposes; or~~

1-38 (2) if the person is a nonresident minor, a certified
1-39 copy of an order removing the disabilities of minority of the person
1-40 for general purposes filed with this state under Section 31.007
1-41 [Section 2.103 authorizing the marriage of the person].

1-42 SECTION 2. Sections 2.006(a) and (b), Family Code, are
1-43 amended to read as follows:

1-44 (a) If an applicant who is 18 years of age or older is unable
1-45 to appear personally before the county clerk to apply for a marriage
1-46 license, any adult person or the other applicant may apply on behalf
1-47 of the absent applicant.

1-48 (b) The person applying on behalf of an absent applicant
1-49 shall provide to the clerk:

1-50 (1) notwithstanding Section 132.001, Civil Practice
1-51 and Remedies Code, the notarized affidavit of the absent applicant
1-52 as provided by this subchapter; and

1-53 (2) proof of the identity and age of the absent
1-54 applicant under Section 2.005(b) ~~[, and~~

1-55 ~~[(3) if required because the absent applicant is a~~
1-56 ~~person under 18 years of age, documents establishing that a prior~~
1-57 ~~marriage has been dissolved, a court order authorizing the marriage~~
1-58 ~~of the absent, underage applicant, or documents establishing~~
1-59 ~~consent by a parent or a person who has legal authority to consent~~
1-60 ~~to the marriage, including:~~

1-61 ~~[(A) proof of identity of the parent or person~~

2-1 ~~with legal authority to consent to the marriage under Section~~
2-2 ~~2.005(b); and~~
2-3 ~~[(B) proof that the parent or person has the~~
2-4 ~~legal authority to consent to the marriage for the applicant under~~
2-5 ~~rules adopted under Section 2.102(j)].~~

2-6 SECTION 3. Section 2.009(a), Family Code, is amended to
2-7 read as follows:

2-8 (a) Except as provided by Subsections (b) and (d), the
2-9 county clerk may not issue a license if either applicant:

2-10 (1) fails to provide the information required by this
2-11 subchapter;

2-12 (2) fails to submit proof of age and identity;

2-13 (3) ~~[is under 16 years of age and has not been granted~~
2-14 ~~a court order as provided by Section 2.103;~~

2-15 ~~[(4)]~~ is ~~[16 years of age or older but]~~ under 18 years
2-16 of age and has not presented ~~[at least one of the following]:~~

2-17 (A) ~~[parental consent as provided by Section~~
2-18 ~~2.102;~~

2-19 ~~[(B) documents establishing that a prior~~
2-20 ~~marriage of the applicant has been dissolved; or~~

2-21 ~~[(C)] a court order granted by this state under~~
2-22 Chapter 31 removing the disabilities of minority of the applicant
2-23 for general purposes; or

2-24 (B) if the applicant is a nonresident minor, a
2-25 certified copy of an order removing the disabilities of minority of
2-26 the applicant for general purposes filed with this state under
2-27 Section 31.007 [as provided by Section 2.103];

2-28 (4) ~~[(5)]~~ checks "false" in response to a statement in
2-29 the application, except as provided by Subsection (b) or (d), or
2-30 fails to make a required declaration in an affidavit required of an
2-31 absent applicant; or

2-32 (5) ~~[(6)]~~ indicates that the applicant has been
2-33 divorced within the last 30 days, unless:

2-34 (A) the applicants were divorced from each other;
2-35 or

2-36 (B) the prohibition against remarriage is waived
2-37 as provided by Section 6.802.

2-38 SECTION 4. Section 2.101, Family Code, is amended to read as
2-39 follows:

2-40 Sec. 2.101. GENERAL AGE REQUIREMENT. A ~~[Except as~~
2-41 ~~otherwise provided by this subchapter or on a showing that a prior~~
2-42 ~~marriage has been dissolved, a]~~ county clerk may not issue a
2-43 marriage license if either applicant is under 18 years of age,
2-44 unless each underage applicant shows that the applicant has been
2-45 granted by this state or another state a court order removing the
2-46 disabilities of minority of the applicant for general purposes.

2-47 SECTION 5. Section 6.205, Family Code, is amended to read as
2-48 follows:

2-49 Sec. 6.205. MARRIAGE TO MINOR. A marriage is void if either
2-50 party to the marriage is younger than 18 ~~[16]~~ years of age, unless a
2-51 court order removing the disabilities of minority of the party for
2-52 general purposes has been obtained in this state or in another state
2-53 [under Section 2.103].

2-54 SECTION 6. Sections 2.102 and 2.103, Family Code, are
2-55 repealed.

2-56 SECTION 7. (a) Sections 2.003, 2.006, 2.009, and 2.101,
2-57 Family Code, as amended by this Act, apply only to an application
2-58 for a marriage license filed on or after the effective date of this
2-59 Act. An application filed before that date is governed by the law
2-60 in effect on the date the application was filed, and the former law
2-61 is continued in effect for that purpose.

2-62 (b) Section 6.205, Family Code, as amended by this Act,
2-63 applies only to a marriage entered into on or after the effective
2-64 date of this Act. A marriage entered into before that date is
2-65 governed by the law in effect on the date the marriage was entered
2-66 into, and the former law is continued in effect for that purpose.

2-67 SECTION 8. This Act takes effect September 1, 2017.

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