

## **BILL ANALYSIS**

S.B. 7  
By: Wentworth  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current state law prohibits issuing a marriage license for persons of the same sex. However, due to the Full Faith and Credit Clause of the United States Constitution, it is possible that Texas may be legally required to recognize civil unions performed in other states. This constitutional clause requires states to recognize the public acts, records, and judicial proceedings in other states. However, constitutional principles provide that one state may refuse to recognize a legal contract executed in another state if the contract is contrary to the public policy of the forum state. The purpose of S.B. 7 is to prohibit the recognition of a same-sex marriage or a civil union legitimized in another state.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 7 amends Subchapter C, Chapter 6, of the Family Code to prohibit the state or an agency or political subdivision of the state from giving effect to a right or claim to any legal protection, benefit, or responsibility asserted as a result of a same-sex marriage or a civil union in this state or in any other jurisdiction. The bill also prohibits the state or an agency or political subdivision of the state from giving effect to a public act, record, or judicial proceeding that creates, recognizes, or validates a same-sex marriage or a civil union in this state or in any other jurisdiction. The bill provides that a same-sex marriage or a civil union is contrary to the public policy of, and is void in, this state. The bill contains legislative findings concerning mechanisms that may be used without the existence of any legally recognized familial relationships to protect legal interests.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003. The Act applies to a same-sex marriage or a civil union regardless of whether the marriage or civil union was entered into before, on, or after the effective date of the Act.