

By: Kolkhorst

H.B. No. 858

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a marriage license to applicants who are unable to personally appear before the county clerk.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.006, Family Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), the clerk may not issue a marriage license for which both applicants are absent unless the person applying on behalf of each absent applicant provides to the clerk an affidavit of the applicant declaring that the applicant is:

(1) on active duty as a member of the armed forces of the United States or the state military forces; or

(2) confined in a correctional facility, as defined by Section 1.07, Penal Code.

SECTION 2. This Act takes effect September 1, 2005.

SECTION 3. The change in law made by this Act applies only to an application for a marriage license submitted on or after the effective date of this Act. An application for a marriage license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.