

1-1 By: Kolkhorst, Cook of Colorado H.B. No. 858
1-2 (Senate Sponsor - Armbrister)
1-3 (In the Senate - Received from the House April 25, 2005;
1-4 April 26, 2005, read first time and referred to Committee on
1-5 Jurisprudence; May 5, 2005, reported favorably by the following
1-6 vote: Yeas 7, Nays 0; May 5, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the issuance of a marriage license to applicants who are
1-10 unable to personally appear before the county clerk.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 2.006, Family Code, is amended by adding
1-13 Subsection (c) to read as follows:

1-14 (c) Notwithstanding Subsection (a), the clerk may not issue
1-15 a marriage license for which both applicants are absent unless the
1-16 person applying on behalf of each absent applicant provides to the
1-17 clerk an affidavit of the applicant declaring that the applicant
1-18 is:

1-19 (1) on active duty as a member of the armed forces of
1-20 the United States or the state military forces; or

1-21 (2) confined in a correctional facility, as defined by
1-22 Section 1.07, Penal Code.

1-23 SECTION 2. This Act takes effect September 1, 2005.

1-24 SECTION 3. The change in law made by this Act applies only
1-25 to an application for a marriage license submitted on or after the
1-26 effective date of this Act. An application for a marriage license
1-27 submitted before the effective date of this Act is governed by the
1-28 law in effect on the date the application was submitted, and the
1-29 former law is continued in effect for that purpose.

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