A BILL TO BE ENTITLED

1   AN ACT

2 relating to information required to be included in an application

3 for a marriage license and an affidavit of an absent applicant for a

4 marriage license; providing a criminal penalty.

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

6   SECTION 1. Section 2.004(b), Family Code, is amended to

7 read as follows:

8   (b) The application form must contain:

9   (1) a heading entitled "Application for Marriage

10 License, _____ County, Texas";

11   (2) spaces for each applicant's full name, including

12 the woman's maiden surname, address, social security number, if

13 any, date of birth, and place of birth, including city, county, and

14 state;

15   (3) a space for indicating the document tendered by

16 each applicant as proof of identity and age;

17   (4) spaces for indicating whether each applicant has

18 been divorced within the last 30 days;

19   (5) printed boxes for each applicant to check "true"

20 or "false" in response to the following statements [statement]:

21   (A) "I am not presently married under the laws of

22 this state or any other jurisdiction.";

23   (B) "I do not desire to marry the other applicant

24 for the purpose of becoming a United States citizen or defrauding

1 this state or the federal government."; and

2 (C) "I have not received and will not accept

3 consideration or payment of any kind for marrying the other

4 applicant.";

5 (6) printed boxes for each applicant to check "true"

6 or "false" in response to the following statement: "The other

7 applicant is not related to me as:

8 (A) an ancestor or descendant, by blood or

9 adoption;

10 (B) a brother or sister, of the whole or half

11 blood or by adoption;

12 (C) a parent's brother or sister, of the whole or

13 half blood or by adoption; or

14 (D) a son or daughter of a brother or sister, of

15 the whole or half blood or by adoption.";

16 (7) printed boxes for each applicant to check "true"

17 or "false" in response to the following statement: "I am not

18 presently delinquent in the payment of court-ordered child

19 support.";

20 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR

21 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS

22 CORRECT.";

23 (9) spaces immediately below the printed oath for the

24 applicants' signatures;

25 (10) a certificate of the county clerk that:

26 (A) each applicant made the oath and the date and

27 place that it was made; or

1   (B) an applicant did not appear personally but

2 the prerequisites for the license have been fulfilled as provided

3 by this chapter;

4   (11) spaces for indicating the date of the marriage

5 and the county in which the marriage is performed; and

6   (12) a space for the address to which the applicants

7 desire the completed license to be mailed.

8   SECTION 2. Section 2.007, Family Code, is amended to read as

9 follows:

10   Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit of

11 an absent applicant must include:

12   (1) the absent applicant's full name, including the

13 maiden surname of a female applicant, address, date of birth, place

14 of birth, including city, county, and state, citizenship, and

15 social security number, if any;

16   (2) a declaration that the absent applicant has not

17 been divorced within the last 30 days;

18   (3) a declaration that the absent applicant is:

19   (A) not presently married under the laws of this

20 state or any other jurisdiction; or

21   (B) married to the other applicant and they wish

22 to marry again;

23   (4) a declaration that the other applicant is not

24 related to the absent applicant as:

25   (A) an ancestor or descendant, by blood or

26 adoption;

27   (B) a brother or sister, of the whole or half

3

1 blood or by adoption;

2   (C) a parent's brother or sister, of the whole or

3 half blood or by adoption; or

4   (D) a son or daughter of a brother or sister, of

5 the whole or half blood or by adoption;

6   (5) a declaration that the absent applicant desires to

7 marry and the name, age, and address of the person to whom the

8 absent applicant desires to be married;

9   (6) the approximate date on which the marriage is to

10 occur;

11   (7) the reason the absent applicant is unable to

12 appear personally before the county clerk for the issuance of the

13 license; [and]

14   (8) if the absent applicant will be unable to attend

15 the ceremony, the appointment of any adult, other than the other

16 applicant, to act as proxy for the purpose of participating in the

17 ceremony;

18   (9) a declaration that the applicant does not desire

19 to marry for the purpose of becoming a United States citizen or

20 defrauding this state or the federal government; and

21   (10) a declaration that the applicant has not received

22 and will not accept consideration or payment of any kind for

23 marrying the person to whom the absent applicant desires to be

24 married.

25   SECTION 3. Section 2.009(b), Family Code, is amended to

26 read as follows:

27   (b) If an applicant checks "false" in response to the

1 statement "I am not presently married <u>under the laws of this state</u>

2 <u>or any other jurisdiction</u>," the county clerk shall inquire as to

3 whether the applicant is presently married to the other applicant.

4 If the applicant states that the applicant is currently married to

5 the other applicant, the county clerk shall record that statement

6 on the license before the administration of the oath. The county

7 clerk may not refuse to issue a license on the ground that the

8 applicants are already married to each other.

9   SECTION 4. Subchapter A, Chapter 2, Family Code, is amended

10 by adding Section 2.0125 to read as follows:

11   <u>Sec. 2.0125. PROSECUTION FOR AGGRAVATED PERJURY. An</u>

12 <u>applicant who provides false information in an application for a</u>

13 <u>license under Section 2.004(b)(5), or in an affidavit under Section</u>

14 <u>2.007(3)(A), (9), or (10), is subject to prosecution for aggravated</u>

15 <u>perjury under Section 37.03, Penal Code.</u>

16   SECTION 5. The changes in law made by this Act apply only to

17 an application for a marriage license filed on or after the

18 effective date of this Act.   An application filed before the

19 effective date of this Act is governed by the law in effect on the

20 date the application was filed, and the former law is continued in

21 effect for that purpose.

22   SECTION 6. This Act takes effect September 1, 2005.