

By: Hilderbran, et al.

H.B. No. 3006

Substitute the following for H.B. No. 3006:

By: Goodman

C.S.H.B. No. 3006

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain requirements and limitations relating to a
3 person's age, marital status, residency, and relations by
4 consanguinity and affinity; providing criminal penalties.

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

6 ARTICLE 1. CHANGES TO CODE OF CRIMINAL PROCEDURE AND PENAL CODE

7 SECTION 1.01. Article 38.10, Code of Criminal Procedure, is
8 amended to read as follows:

9 Art. 38.10. EXCEPTIONS TO THE SPOUSAL ADVERSE TESTIMONY
10 PRIVILEGE. The privilege of a person's spouse not to be called as a
11 witness for the state does not apply in any proceeding in which the
12 person is charged with:

13 (1) a crime committed against the person's spouse, a
14 minor child, or a member of the household of either spouse; or

15 (2) an offense under Section 25.01, Penal Code
16 (Bigamy).

17 SECTION 1.02. Sections 22.011(e) and (f), Penal Code, are
18 amended to read as follows:

19 (e) It is an affirmative defense to prosecution under
20 Subsection (a)(2) that:

21 (1) the actor was not more than three years older than
22 the victim and at the time of the offense:

23 (A) was not required under Chapter 62, Code of
24 Criminal Procedure, ~~[as added by Chapter 668, Acts of the 75th~~

1 ~~Legislature, Regular Session, 1997,~~] to register for life as a sex
2 offender; or

3 (B) was not a person who under Chapter 62, Code of
4 Criminal Procedure, had a reportable conviction or adjudication for
5 an offense under this section; and

6 (2) the victim:

7 (A) was a child of 14 years of age or older; and

8 (B) was not a person whom the actor was
9 prohibited from marrying or purporting to marry or with whom the
10 actor was prohibited from living under the appearance of being
11 married under Section 25.01.

12 (f) An offense under this section is a felony of the second
13 degree, except that an offense under this section is a felony of the
14 first degree if the victim was a person whom the actor was
15 prohibited from marrying or purporting to marry or with whom the
16 actor was prohibited from living under the appearance of being
17 married under Section 25.01.

18 SECTION 1.03. Sections 25.01(c) and (e), Penal Code, are
19 amended to read as follows:

20 (c) It is a defense to prosecution under Subsection (a)(1)
21 that the actor reasonably believed at the time of the commission of
22 the offense that the actor and the person whom the actor married or
23 purported to marry or with whom the actor lived under the appearance
24 of being married were legally eligible to be married because the
25 actor's prior ~~[his]~~ marriage was void or had been dissolved by
26 death, divorce, or annulment. For purposes of this subsection, an
27 actor's belief is reasonable if the belief is substantiated by a

1 certified copy of a death certificate or other signed document
2 issued by a court.

3 (e) An offense under this section is a felony of the third
4 degree, except that if at the time of the commission of the offense
5 the person whom the actor marries or purports to marry or with whom
6 the actor lives under the appearance of being married is:

7 (1) 16 years of age, the offense is a felony of the
8 second degree; or

9 (2) younger than 16 years of age, the offense is a
10 felony of the first degree [~~Class A misdemeanor~~].

11 SECTION 1.04. Sections 25.02(a) and (c), Penal Code, are
12 amended to read as follows:

13 (a) A person [~~An individual~~] commits an offense if the
14 person [~~he~~] engages in sexual intercourse or deviate sexual
15 intercourse with another [~~a~~] person the actor [~~he~~] knows to be,
16 without regard to legitimacy:

17 (1) the actor's [~~his~~] ancestor or descendant by blood
18 or adoption;

19 (2) the actor's current or former [~~his~~] stepchild or
20 stepparent[~~, while the marriage creating that relationship~~
21 ~~exists~~];

22 (3) the actor's [~~his~~] parent's brother or sister of the
23 whole or half blood;

24 (4) the actor's [~~his~~] brother or sister of the whole or
25 half blood or by adoption; [~~or~~]

26 (5) the children of the actor's [~~his~~] brother or sister
27 of the whole or half blood or by adoption; or

1 (6) the son or daughter of the actor's aunt or uncle of
2 the whole or half blood or by adoption.

3 (c) An offense under this section is a felony of the third
4 degree, unless the offense is committed under Subsection (a)(6), in
5 which event the offense is a felony of the second degree.

6 SECTION 1.05. Under the terms of Section 22.109(b),
7 Government Code, Rule 504(b)(1), Texas Rules of Evidence, is
8 disapproved to the extent that the rule conflicts with Article
9 38.10, Code of Criminal Procedure, as amended by this article.

10 SECTION 1.06. The changes in law made by this article in
11 amending Article 38.10, Code of Criminal Procedure, and Sections
12 22.011, 25.01, and 25.02, Penal Code, apply only to an offense
13 committed on or after the effective date of this Act. An offense
14 committed before the effective date of this Act is covered by the
15 law in effect at the time the offense was committed, and the former
16 law is continued in effect for that purpose. For purposes of this
17 section, an offense was committed before the effective date of this
18 Act if any element of the offense was committed before that date.

19 ARTICLE 2. CHANGES TO ELECTION CODE

20 SECTION 2.01. Section 141.001(a), Election Code, is amended
21 to read as follows:

22 (a) To be eligible to be a candidate for, or elected or
23 appointed to, a public elective office in this state, a person must:

- 24 (1) be a United States citizen;
- 25 (2) be 18 years of age or older on the first day of the
26 term to be filled at the election or on the date of appointment, as
27 applicable;

1 (3) have not been determined mentally incompetent by a
2 final judgment of a court;

3 (4) have not been finally convicted of a felony from
4 which the person has not been pardoned or otherwise released from
5 the resulting disabilities;

6 (5) have resided continuously in the state for two
7 years [~~12 months~~] and in the territory from which the office is
8 elected for one year [~~six months~~] immediately preceding the
9 following date:

10 (A) for a candidate whose name is to appear on a
11 general primary election ballot, the date of the regular filing
12 deadline for a candidate's application for a place on the ballot;

13 (B) for an independent candidate, the date of the
14 regular filing deadline for a candidate's application for a place
15 on the ballot;

16 (C) for a write-in candidate, the date of the
17 election at which the candidate's name is written in;

18 (D) for a party nominee who is nominated by any
19 method other than by primary election, the date the nomination is
20 made; and

21 (E) for an appointee to an office, the date the
22 appointment is made; [~~and~~]

23 (6) not have been convicted of an offense under
24 Section 141.040 in the previous 24 months; and

25 (7) satisfy any other eligibility requirements
26 prescribed by law for the office.

27 SECTION 2.02. Section 141.002(a), Election Code, is amended

1 to read as follows:

2 (a) Instead of the one-year [~~six-month~~] residence
3 requirement prescribed by Section 141.001(a)(5), a candidate for or
4 appointee to a precinct office must be a resident of the precinct on
5 the date prescribed by Section 141.001(a)(5) and must have resided
6 continuously in the county in which the precinct is located for one
7 year [~~six-months~~] immediately preceding that date if an order
8 creating the precinct or changing the boundary of the precinct:

9 (1) was adopted less than 13 [~~seven~~] months before
10 that date; or

11 (2) was in litigation at any time during the 13th
12 [~~seventh~~] month immediately preceding that date.

13 SECTION 2.03. Section 141.003, Election Code, is amended to
14 read as follows:

15 Sec. 141.003. AGE AND RESIDENCE REQUIREMENTS FOR HOME-RULE
16 CITY OFFICE. (a) Different age and residence requirements from
17 those prescribed by Section 141.001 may be prescribed by a
18 home-rule city charter, but a minimum age may not be more than 21
19 years and a minimum length of residence in the state or city may not
20 be more than two years [~~12-months~~] immediately preceding election
21 day.

22 (b) A charter provision is void if it prescribes a minimum
23 age requirement of more than 21 years or a minimum length of
24 residence requirement of more than two years [~~12-months~~].

25 SECTION 2.04. Section 141.031, Election Code, is amended to
26 read as follows:

27 Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. A

1 candidate's application for a place on the ballot that is required
2 by this code must:

3 (1) be in writing;

4 (2) be signed and sworn to by the candidate and
5 indicate the date that the candidate swears to the application;

6 (3) be timely filed with the appropriate authority;
7 and

8 (4) include:

9 (A) the candidate's name;

10 (B) the candidate's occupation;

11 (C) the office sought, including any place number
12 or other distinguishing number;

13 (D) an indication of whether the office sought is
14 to be filled for a full or unexpired term if the office sought and
15 another office to be voted on have the same title but do not have
16 place numbers or other distinguishing numbers;

17 (E) a statement that the candidate is a United
18 States citizen;

19 (F) a statement that the candidate has not been
20 determined mentally incompetent by a final judgment of a court;

21 (G) a statement that the candidate has not been
22 finally convicted of a felony from which the candidate has not been
23 pardoned or otherwise released from the resulting disabilities;

24 (H) the candidate's date of birth;

25 (I) the candidate's residence address or, if the
26 residence has no address, the address at which the candidate
27 receives mail and a concise description of the location of the

1 candidate's residence;

2 (J) the candidate's length of continuous
3 residence in the state and in the territory from which the office
4 sought is elected as of the date the candidate swears to the
5 application;

6 (K) the statement: "I, _____, of _____
7 County, Texas, being a candidate for the office of _____,
8 swear that I will support and defend the constitution and laws of
9 the United States and of the State of Texas"; ~~and~~

10 (L) a statement that the candidate is aware of
11 the nepotism law, Chapter 573, Government Code; and

12 (M) the statement: "I, _____, of _____
13 County, Texas, being a candidate for the office of _____,
14 swear that I am not currently violating the constitution or laws of
15 the United States and of the State of Texas".

16 SECTION 2.05. Subchapter B, Chapter 141, Election Code, is
17 amended by adding Section 141.040 to read as follows:

18 Sec. 141.040. PROVIDING FALSE INFORMATION ON APPLICATION.

19 (a) A person commits an offense if the person knowingly provides
20 false information on an application for a place on the ballot.

21 (b) An offense under this section is a Class A misdemeanor.

22 SECTION 2.06. The changes in law made by this article apply
23 only to the eligibility requirements for a candidate whose term of
24 office will begin on or after the effective date of this Act. The
25 eligibility requirements for a candidate whose term of office will
26 begin before the effective date of this Act are governed by the law
27 in effect immediately before the effective date of this Act, and the

1 former law is continued in effect for that purpose.

2 ARTICLE 3. CHANGES TO FAMILY CODE

3 SECTION 3.01. Section 2.004, Family Code, is amended by
4 amending Subsection (b) and adding Subsections (c) and (d) to read
5 as follows:

6 (b) The application form must contain:

7 (1) a heading entitled "Application for Marriage
8 License, _____ County, Texas";

9 (2) spaces for each applicant's full name, including
10 the woman's maiden surname, address, social security number, if
11 any, date of birth, and place of birth, including city, county, and
12 state;

13 (3) a space for indicating the document tendered by
14 each applicant as proof of identity and age;

15 (4) spaces for indicating whether each applicant has
16 been divorced within the last 30 days;

17 (5) printed boxes for each applicant to check "true"
18 or "false" in response to the following statement: "I am not
19 presently married and the other applicant is not presently
20 married.";

21 (6) printed boxes for each applicant to check "true"
22 or "false" in response to the following statement: "The other
23 applicant is not related to me as:

24 (A) an ancestor or descendant, by blood or
25 adoption;

26 (B) a brother or sister, of the whole or half
27 blood or by adoption;

1 (C) a parent's brother or sister, of the whole or
2 half blood or by adoption; [~~or~~]

3 (D) a son or daughter of a brother or sister, of
4 the whole or half blood or by adoption;

5 (E) a current or former stepchild or stepparent;
6 or

7 (F) a son or daughter of a parent's brother or
8 sister, of the whole or half blood or by adoption.";

9 (7) printed boxes for each applicant to check "true"
10 or "false" in response to the following statement: "I am not
11 presently delinquent in the payment of court-ordered child
12 support.";

13 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR
14 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
15 CORRECT.";

16 (9) spaces immediately below the printed oath for the
17 applicants' signatures;

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

19 (A) each applicant made the oath and the date and
20 place that it was made; or

21 (B) an applicant did not appear personally but
22 the prerequisites for the license have been fulfilled as provided
23 by this chapter;

24 (11) spaces for indicating the date of the marriage
25 and the county in which the marriage is performed; and

26 (12) a space for the address to which the applicants
27 desire the completed license to be mailed.

1 (c) An applicant commits an offense if the applicant
2 knowingly provides false information under Subsection (b)(1), (2),
3 (3), or (4). An offense under this subsection is a Class C
4 misdemeanor.

5 (d) An applicant commits an offense if the applicant
6 knowingly provides false information under Subsection (b)(5) or
7 (6). An offense under this subsection is a Class A misdemeanor.

8 SECTION 3.02. Section 2.005, Family Code, is amended by
9 adding Subsection (c) to read as follows:

10 (c) A person commits an offense if the person knowingly
11 provides false, fraudulent, or otherwise inaccurate proof of an
12 applicant's identity or age under this section. An offense under
13 this subsection is a Class A misdemeanor.

14 SECTION 3.03. Section 2.007, Family Code, is amended to
15 read as follows:

16 Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit
17 of an absent applicant must include:

18 (1) the absent applicant's full name, including the
19 maiden surname of a female applicant, address, date of birth, place
20 of birth, including city, county, and state, citizenship, and
21 social security number, if any;

22 (2) a declaration that the absent applicant has not
23 been divorced within the last 30 days;

24 (3) a declaration that the absent applicant is:
25 (A) not presently married; or
26 (B) married to the other applicant and they wish
27 to marry again;

1 (4) a declaration that the other applicant is not
2 presently married and is not related to the absent applicant as:

3 (A) an ancestor or descendant, by blood or
4 adoption;

5 (B) a brother or sister, of the whole or half
6 blood or by adoption;

7 (C) a parent's brother or sister, of the whole or
8 half blood or by adoption; [~~or~~]

9 (D) a son or daughter of a brother or sister, of
10 the whole or half blood or by adoption;

11 (E) a current or former stepchild or stepparent;
12 or

13 (F) a son or daughter of a parent's brother or
14 sister, of the whole or half blood or by adoption;

15 (5) a declaration that the absent applicant desires to
16 marry and the name, age, and address of the person to whom the
17 absent applicant desires to be married;

18 (6) the approximate date on which the marriage is to
19 occur;

20 (7) the reason the absent applicant is unable to
21 appear personally before the county clerk for the issuance of the
22 license; and

23 (8) if the absent applicant will be unable to attend
24 the ceremony, the appointment of any adult, other than the other
25 applicant, to act as proxy for the purpose of participating in the
26 ceremony.

27 SECTION 3.04. Sections 2.009(a) and (b), Family Code, are

1 amended to read as follows:

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

4 (1) fails to provide the information required by this
5 subchapter;

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

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

9 (4) is 16 [~~14~~] years of age or older but under 18 years
10 of age and has not presented at least one of the following:

11 (A) parental consent as provided by Section
12 2.102;

13 (B) documents establishing that a prior marriage
14 of the applicant has been dissolved; or

15 (C) a court order as provided by Section 2.103;

16 (5) checks "false" in response to a statement in the
17 application, except as provided by Subsection (b) or (d), or fails
18 to make a required declaration in an affidavit required of an absent
19 applicant; or

20 (6) indicates that the applicant has been divorced by
21 a decree of a court of this state within the last 30 days, unless:

22 (A) the applicants were divorced from each other;

23 or

24 (B) the prohibition against remarriage is waived
25 as provided by Section 6.802.

26 (b) If an applicant checks "false" in response to the
27 statement "I am not presently married and the other applicant is not

1 presently married," the county clerk shall inquire as to whether
2 the applicant is presently married to the other applicant. If the
3 applicant states that the applicant is currently married to the
4 other applicant, the county clerk shall record that statement on
5 the license before the administration of the oath. The county clerk
6 may not refuse to issue a license on the ground that the applicants
7 are already married to each other.

8 SECTION 3.05. Section 2.102, Family Code, is amended by
9 amending Subsection (a) and adding Subsections (g) and (h) to read
10 as follows:

11 (a) If an applicant is 16 [~~14~~] years of age or older but
12 under 18 years of age, the county clerk shall issue the license if
13 parental consent is given as provided by this section.

14 (g) A person commits an offense if the person knowingly
15 provides parental consent for an underage applicant under this
16 section and the person is not a parent or a judicially designated
17 managing conservator or guardian of the applicant. An offense
18 under this subsection is a Class A misdemeanor.

19 (h) A parent or judicially designated managing conservator
20 or guardian of an applicant commits an offense if the parent,
21 managing conservator, or guardian knowingly provides parental
22 consent under this section for an applicant who is younger than 16
23 years of age or who is presently married to a person other than the
24 person the applicant desires to marry. An offense under this
25 subsection is a felony of the third degree.

26 SECTION 3.06. Section 2.202, Family Code, is amended by
27 adding Subsections (c) and (d) to read as follows:

1 (c) Except as provided by Subsection (d), a person commits
2 an offense if the person knowingly conducts a marriage ceremony
3 without authorization under this section. An offense under this
4 subsection is a Class A misdemeanor.

5 (d) A person commits an offense if the person knowingly
6 conducts a marriage ceremony of a minor whose marriage is
7 prohibited by law or of a person who by marrying commits an offense
8 under Section 25.01, Penal Code. An offense under this subsection
9 is a felony of the third degree.

10 SECTION 3.07. Section 2.302, Family Code, is amended to
11 read as follows:

12 Sec. 2.302. CEREMONY CONDUCTED BY UNAUTHORIZED PERSON. The
13 validity of a marriage is not affected by the lack of authority of
14 the person conducting the marriage ceremony if:

15 (1) there was a reasonable appearance of authority by
16 that person; ~~and~~

17 (2) at least one party to the marriage participated in
18 the ceremony in good faith and that party treats the marriage as
19 valid; and

20 (3) neither party to the marriage:

21 (A) is a minor whose marriage is prohibited by
22 law; or

23 (B) by marrying commits an offense under Section
24 25.01, Penal Code.

25 SECTION 3.08. Section 2.401, Family Code, is amended by
26 adding Subsection (d) to read as follows:

27 (d) A person may not be a party to an informal marriage or

1 execute a declaration of an informal marriage if the person is
2 presently married to a person who is not the other party to the
3 informal marriage or declaration of an informal marriage, as
4 applicable.

5 SECTION 3.09. Section 2.402(b), Family Code, is amended to
6 read as follows:

7 (b) The declaration form must contain:

8 (1) a heading entitled "Declaration and Registration
9 of Informal Marriage, _____ County, Texas";

10 (2) spaces for each party's full name, including the
11 woman's maiden surname, address, date of birth, place of birth,
12 including city, county, and state, and social security number, if
13 any;

14 (3) a space for indicating the type of document
15 tendered by each party as proof of age and identity;

16 (4) printed boxes for each party to check "true" or
17 "false" in response to the following statement: "The other party is
18 not related to me as:

19 (A) an ancestor or descendant, by blood or
20 adoption;

21 (B) a brother or sister, of the whole or half
22 blood or by adoption;

23 (C) a parent's brother or sister, of the whole or
24 half blood or by adoption; ~~or~~

25 (D) a son or daughter of a brother or sister, of
26 the whole or half blood or by adoption;

27 (E) a current or former stepchild or stepparent;

1 or

2 (F) a son or daughter of a parent's brother or
3 sister, of the whole or half blood or by adoption.";

4 (5) a printed declaration and oath reading: "I
5 SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO
6 EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE
7 AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS
8 HUSBAND AND WIFE AND IN THIS STATE WE REPRESENTED TO OTHERS THAT WE
9 WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE OTHER PARTY I HAVE
10 NOT BEEN MARRIED TO ANY OTHER PERSON. THIS DECLARATION IS TRUE AND
11 THE INFORMATION IN IT WHICH I HAVE GIVEN IS CORRECT.";

12 (6) spaces immediately below the printed declaration
13 and oath for the parties' signatures; and

14 (7) a certificate of the county clerk that the parties
15 made the declaration and oath and the place and date it was made.

16 SECTION 3.10. Section 2.403, Family Code, is amended to
17 read as follows:

18 Sec. 2.403. PROOF OF IDENTITY AND AGE; OFFENSE. (a) The
19 county clerk shall require proof of the identity and age of each
20 party to the declaration of informal marriage to be established by a
21 certified copy of the party's birth certificate or by some
22 certificate, license, or document issued by this state or another
23 state, the United States, or a foreign government.

24 (b) A person commits an offense if the person knowingly
25 provides false, fraudulent, or otherwise inaccurate proof of the
26 person's identity or age under this section. An offense under this
27 subsection is a Class A misdemeanor.

1 SECTION 3.11. Section 6.101, Family Code, is amended to
2 read as follows:

3 Sec. 6.101. ANNULMENT OF MARRIAGE OF PERSON UNDER AGE 16
4 [~~14~~]. (a) The court may grant an annulment of a licensed marriage
5 of a person under 16 [~~14~~] years of age unless a court order has been
6 obtained as provided in Subchapter B, Chapter 2.

7 (b) A petition for annulment under this section may be filed
8 by a next friend for the benefit of a person under 16 [~~14~~] years of
9 age or on the petition of the parent or the judicially designated
10 managing conservator or guardian, whether an individual,
11 authorized agency, or court, of the person.

12 (c) A suit by a parent, managing conservator, or guardian of
13 the person may be brought at any time before the person is 16 [~~14~~]
14 years of age.

15 (d) A suit under this section to annul the marriage of a
16 person 16 [~~14~~] years of age or older that was entered into before
17 the person was 16 [~~14~~] years of age is barred unless the suit is
18 filed within the later of:

19 (1) 90 days after the date the petitioner knew or
20 should have known of the marriage; or

21 (2) 90 days after the date of the 16th [~~14th~~] birthday
22 of the underage party.

23 SECTION 3.12. Section 6.102(a), Family Code, is amended to
24 read as follows:

25 (a) The court may grant an annulment of a licensed or
26 informal marriage of a person 16 [~~14~~] years of age or older but
27 under 18 years of age that occurred without parental consent or

1 without a court order as provided by Subchapters B and E, Chapter 2.

2 SECTION 3.13. Subchapter C, Chapter 6, Family Code, is
3 amended by adding Sections 6.205 and 6.206 to read as follows:

4 Sec. 6.205. MARRIAGE TO MINOR. A marriage is void if either
5 party to the marriage is younger than 16 years of age.

6 Sec. 6.206. MARRIAGE TO STEPCHILD OR STEPPARENT. A
7 marriage is void if a party is a current or former stepchild or
8 stepparent of the other party.

9 SECTION 3.14. The changes in law made by this article to
10 Sections 2.004, 2.005, 2.007, 2.009, and 2.102, Family Code, apply
11 only to an application for a marriage license filed on or after the
12 effective date of this Act. An application filed before the
13 effective date of this Act is governed by the law in effect on the
14 date the application was filed, and the former law is continued in
15 effect for that purpose.

16 SECTION 3.15. The changes in law made by this article to
17 Sections 2.202 and 2.302, Family Code, apply only to a marriage
18 ceremony that is conducted on or after the effective date of this
19 Act. A marriage ceremony conducted before the effective date of
20 this Act is governed by the law in effect on the date the ceremony
21 was conducted, and the former law is continued in effect for that
22 purpose.

23 SECTION 3.16. Section 2.401(d), Family Code, as added by
24 this article, applies to an informal marriage or a declaration of an
25 informal marriage regardless of when the informal marriage was
26 entered into or the declaration was executed.

27 SECTION 3.17. The changes in law made by this article to

1 Sections 2.402(b) and 2.403, Family Code, apply to a declaration of
2 an informal marriage executed on or after the effective date of this
3 Act. A declaration executed before the effective date of this Act
4 is governed by the law in effect on the date the declaration was
5 executed, and the former law is continued in effect for that
6 purpose.

7 SECTION 3.18. The changes in law made by this article by the
8 amendment of Sections 6.101 and 6.102(a), Family Code, and the
9 enactment of Sections 6.205 and 6.206, Family Code, apply only to a
10 marriage entered into on or after the effective date of this Act. A
11 marriage entered into before the effective date of this Act is
12 governed by the law in effect on the date the marriage was entered
13 into, and the former law is continued in effect for that purpose.

14 ARTICLE 4. EFFECTIVE DATE

15 SECTION 4.01. This Act takes effect September 1, 2005.