

By: Zedler

H.B. No. 1704

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the waiting period following the issuance of a marriage  
3 license.

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

5 SECTION 1. Section 2.204, Family Code, is amended to read  
6 as follows:

7 Sec. 2.204. [~~72-HOUR~~] WAITING PERIOD; EXCEPTIONS. (a)  
8 Except as provided by this section, a marriage ceremony may not take  
9 place during the 120-hour [~~72-hour~~] period immediately following  
10 the issuance of the marriage license.

11 (b) The [~~72-hour~~] waiting period required by Subsection (a)  
12 after issuance of a marriage license does not apply to an applicant  
13 who:

14 (1) is a member of the armed forces of the United  
15 States and on active duty;

16 (2) is not a member of the armed forces of the United  
17 States but performs work for the United States Department of  
18 Defense as a department employee or under a contract with the  
19 department; or

20 (3) obtains a written waiver under Subsection (c).

21 (c) An applicant may request a judge of a court with  
22 jurisdiction in family law cases, a justice of the supreme court, a  
23 judge of the court of criminal appeals, a county judge, or a judge  
24 of a court of appeals for a written waiver permitting the marriage

1 ceremony to take place during the [~~72-hour~~] period required by  
2 Subsection (a) immediately following the issuance of the marriage  
3 license. If the judge finds that there is good cause for the  
4 marriage to take place during the period, the judge shall sign the  
5 waiver. Notwithstanding any other provision of law, a judge under  
6 this section has the authority to sign a waiver under this section.

7 SECTION 2. Section 6.110(a), Family Code, is amended to  
8 read as follows:

9 (a) The court may grant an annulment of a marriage to a party  
10 to the marriage if the marriage ceremony took place in violation of  
11 Section 2.204 [~~during the 72-hour period immediately following the~~  
12 ~~issuance of the marriage license~~].

13 SECTION 3. The change in law made by this Act applies only  
14 to a marriage ceremony for which a marriage license application is  
15 filed on or after the effective date of this Act. A marriage  
16 ceremony for which a marriage license application is filed before  
17 the effective date of this Act is governed by the law in effect on  
18 the date the application was filed, and the former law is continued  
19 in effect for that purpose.

20 SECTION 4. This Act takes effect September 1, 2007.