

By: Villarreal

H.B. No. 3938

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the performance of a marriage by a county clerk,  
3 statutory county clerk or district clerk.

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

5 SECTION 1. Section 2.202, Family Code, is amended to read as  
6 follows:

7 SUBCHAPTER C. CEREMONY AND RETURN OF LICENSE

8 Sec. 2.202. PERSONS AUTHORIZED TO CONDUCT CEREMONY. (a)  
9 The following persons are authorized to conduct a marriage  
10 ceremony:

11 (1) a licensed or ordained Christian minister or  
12 priest;

13 (2) a Jewish rabbi;

14 (3) a person who is an officer of a religious  
15 organization and who is authorized by the organization to conduct a  
16 marriage ceremony; and

17 (4) a justice of the supreme court, judge of the court  
18 of criminal appeals, justice of the courts of appeals, judge of the  
19 district, county, and probate courts, clerk of the county courts,  
20 statutory county courts or district courts, judge of the county  
21 courts at law, judge of the courts of domestic relations, judge of  
22 the juvenile courts, retired justice or judge of those courts,  
23 justice of the peace, retired justice of the peace, or judge or  
24 magistrate of a federal court of this state.

1 SECTION 2. Section 51.402, Government Code, is amended to  
2 read as follows:

3 SUBCHAPTER E. COUNTY CLERKS

4 Sec. 51.402. DUTIES AND POWERS. (a) The clerk of a county  
5 court may:

- 6 (1) issue marriage licenses; ~~and~~  
7 (2) perform marriages, pursuant to their authority  
8 under Section 2.202, Family Code; and  
9 (3) [~~2~~] take affidavits and depositions.

10 (b) On the last day of each term of the court, the clerk  
11 shall make a written statement of fines and jury fees received since  
12 the last statement. The statement must include the name of the  
13 party from whom a fine or jury fee was received, the name of each  
14 juror who served during the term, the number of days served, and the  
15 amount due the juror for the services. The statement shall be  
16 recorded in the minutes of the court after it is approved and signed  
17 by the presiding judge.

18 (c) The clerk shall deposit fines and jury fees received by  
19 the clerk in the county treasury for the use of the county.

20 (d) The clerk shall deposit Marriage Fees received by the  
21 clerk in the county treasury for use by the county commissioners  
22 court to fund the prevention of or recovery from domestic violence.

23 SECTION 3. Chapter 51, SUBCHAPTER D, Government Code, is  
24 amended by adding section 51.303(g) to read as follows:

25 (g) In addition to the other powers and duties of this  
26 section, a district clerk may perform marriages pursuant to the  
27 clerk's authority under Section 2.202, Family Code. The clerk

1 shall deposit Marriage Fees received by the clerk in the county  
2 treasury for use by the county commissioners court to fund the  
3 prevention of or recovery from domestic violence.

4 SECTION 4. Chapter 51, SUBCHAPTER G, Government Code, is  
5 amended by adding section 51.608 to read as follows:

6 SUBCHAPTER G. MISCELLANEOUS PROVISIONS

7 Sec. 51.608. MARRIAGE FEE. (a) The district clerk shall  
8 collect a Marriage Fee for each marriage performed, pursuant to the  
9 clerk's authority under Section 51.402(a)(2), Government Code. A  
10 \$25 fee shall be collected for each marriage performed by the  
11 district clerk at office of the district clerk, or a \$50 fee shall  
12 be collected for each marriage performed by the district clerk at a  
13 location other than the office of the district clerk. The clerk of  
14 a county court or statutory county court shall collect a Marriage  
15 fee for each marriage performed, pursuant to the clerk's authority  
16 under Section 51.402(a)(2), Government Code. A \$25 fee shall be  
17 collected for each marriage performed by the county clerk at the  
18 office of the county clerk, or statutory county clerk, or a \$50 fee  
19 shall be collected for each marriage performed by the county clerk,  
20 or statutory county clerk, at a location other than the office of  
21 the county clerk, or statutory county clerk.

22 SECTION 5. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.