

By: Guillen

H.B. No. 72

Substitute the following for H.B. No. 72:

By: Leibowitz

C.S.H.B. No. 72

A BILL TO BE ENTITLED

AN ACT

relating to the waiting period for issuing a decree in certain suits for divorce.

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

SECTION 1. Section 6.702, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the ~~[The]~~ court may not grant a divorce before the 60th day after the date the suit was filed. A decree rendered in violation of this subsection is not subject to collateral attack.

(c) A waiting period is not required under Subsection (a) before a court may grant a divorce in a suit in which the court finds that:

(1) the respondent has been finally convicted of or received deferred adjudication for an offense involving family violence as defined by Section 71.004 against the petitioner or a member of the petitioner's household; or

(2) the petitioner has obtained a protective order under Title 4 or a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, against the respondent because of family violence committed during the marriage.

SECTION 2. The change in law made by this Act applies only

1 to a suit for dissolution of a marriage filed on or after the
2 effective date of this Act. A suit for dissolution of a marriage
3 filed before the effective date of this Act is governed by the law
4 in effect on the date the suit was filed, and the former law is
5 continued in effect for that purpose.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.