

1-1 By: Zaffirini S.B. No. 24
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 April 20, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 20, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 24 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the waiting period for issuing a decree in certain suits
1-11 for divorce.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 6.702, Family Code, is amended by
1-14 amending Subsection (a) and adding Subsection (c) to read as
1-15 follows:

1-16 (a) Except as provided by Subsection (c), the [The] court
1-17 may not grant a divorce before the 60th day after the date the suit
1-18 was filed. A decree rendered in violation of this subsection is not
1-19 subject to collateral attack.

1-20 (c) A waiting period is not required under Subsection (a)
1-21 before a court may grant a divorce in a suit in which the court finds
1-22 that:

1-23 (1) the respondent has been finally convicted of or
1-24 received deferred adjudication for an offense involving family
1-25 violence as defined by Section 71.004 against the petitioner or a
1-26 member of the petitioner's household; or

1-27 (2) the petitioner has obtained a protective order
1-28 under Title 4 or a magistrate's order for emergency protection
1-29 under Article 17.292, Code of Criminal Procedure, against the
1-30 respondent because of family violence committed during the
1-31 marriage.

1-32 SECTION 2. The change in law made by this Act applies only
1-33 to a suit for dissolution of a marriage filed on or after the
1-34 effective date of this Act. A suit for dissolution of a marriage
1-35 filed before the effective date of this Act is governed by the law
1-36 in effect on the date the suit was filed, and the former law is
1-37 continued in effect for that purpose.

1-38 SECTION 3. This Act takes effect immediately if it receives
1-39 a vote of two-thirds of all the members elected to each house, as
1-40 provided by Section 39, Article III, Texas Constitution. If this
1-41 Act does not receive the vote necessary for immediate effect, this
1-42 Act takes effect September 1, 2009.

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