

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Guillen, Gonzales, Thompson, Rodriguez,  
Bolton

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  
and there has been a judicial determination that the respondent has  
violated that order.

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

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

ADOPTED

MAY 19 2009

*Letitia J. Davis*  
Secretary of the Senate

By: Guillen, et al. (Zaffinhi)

H.B. No. 72

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

By: J - J. Huggins

C.S. H.B. No. 72

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12 (c) A waiting period is not required under Subsection (a)  
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16 received deferred adjudication for an offense involving family  
17 violence as defined by Section 71.004 against the petitioner or a  
18 member of the petitioner's household; or

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**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB72** by Guillen (Relating to the waiting period for issuing a decree in certain suits for divorce.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SD, MN, DB, TP



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB72** by Guillen (Relating to the waiting period for issuing a decree in certain suits for divorce.), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, DB, TP





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 27, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB72** by Guillen (Relating to the waiting period for issuing a decree in certain suits for divorce.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, DB, TP



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 2, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB72** by Guillen (Relating to the waiting period for issuing a decree in certain suits for divorce.), **Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, DB, TP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 3, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB72** by Guillen (Relating to the waiting period for issuing a decree in certain suits for divorce.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, TP, DB

