

BILL ANALYSIS

Senate Research Center
82R10258 KSD-D

S.B. 1159
By: Wentworth
Jurisprudence
4/6/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under Section 6.303 (Absence on Public Service), Family Code, time spent by a Texas domiciliary outside this state or outside the county of residence of the domiciliary while in the service of the armed forces or other service of the United States or this state is considered residence in this state and in that county for purposes of filing for divorce. Problems arise when the spouse of that public servant (particularly military personnel) was a domiciliary of Texas at the time of marriage, but has since moved with his/her spouse under orders to do so, and cannot file divorce in Texas due the provisions of 6.303 not specifically applying to a military spouse.

S.B. 1159 amends the Family Code to allow the provisions of Section 6.303 to apply also to a spouse of such public servant. This bill is intended to clarify and ensure equal treatment of spouses of public servants, particularly military spouses, who accompany their spouse to another state or county and cannot sue for divorce in their state and county of "domicile" as can the military member.

As proposed, S.B. 1159 amends current law relating to an exception to the residency requirements for filing a suit for dissolution of a marriage in this state for certain spouses of military personnel.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6.303, Family Code, as follows:

Sec. 6.303. ABSENCE ON PUBLIC SERVICE. Provides that time spent by a Texas domiciliary outside this state or outside the county of residence of the domiciliary while in the service of the armed forces or other service of the United States or of this state, or while accompanying the domiciliary's spouse in the spouse's service of the armed forces or other service of the United States or of this state, is considered residence in this state and in that county.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2011.