

By: Ashby

H.B. No. 869

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the issuance of a marriage license for an absent
3 applicant and the maintenance of records by a county clerk relating
4 to a marriage license issued for an absent applicant.

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

6 SECTION 1. Sections 2.006(a) and (c), Family Code, are
7 amended to read as follows:

8 (a) Any [~~If an applicant is unable to appear personally~~
9 ~~before the county clerk to apply for a marriage license, any~~] adult
10 person or the other applicant may apply on behalf of an [~~the absent~~]
11 applicant who is:

12 (1) a member of the armed forces of the United States
13 stationed in another country in support of combat or another
14 military operation;

15 (2) unable to appear personally before the county
16 clerk to apply for a marriage license; and

17 (3) unable to attend the marriage ceremony.

18 (c) The [~~Notwithstanding Subsection (a), the~~] clerk may
19 [~~not~~] issue a marriage license under this section for which both
20 applicants are absent [~~unless the person applying on behalf of each~~
21 ~~absent applicant provides to the clerk an affidavit of the~~
22 ~~applicant declaring that the applicant is:~~

23 [~~(1) on active duty as a member of the armed forces of~~
24 ~~the United States or the state military forces; or~~

1 ~~[(2) confined in a correctional facility, as defined~~
2 ~~by Section 1.07, Penal Code].~~

3 SECTION 2. Section 2.007, Family Code, is amended to read as
4 follows:

5 Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit
6 of an absent applicant must include:

7 (1) the absent applicant's full name, including the
8 maiden surname of a female applicant, address, date of birth, place
9 of birth, including city, county, and state, citizenship, and
10 social security number, if any;

11 (2) a declaration that the absent applicant has not
12 been divorced within the last 30 days;

13 (3) a declaration that the absent applicant is:

14 (A) not presently married; or

15 (B) married to the other applicant and they wish
16 to marry again;

17 (4) a declaration that the other applicant is not
18 presently married and is not related to the absent applicant as:

19 (A) an ancestor or descendant, by blood or
20 adoption;

21 (B) a brother or sister, of the whole or half
22 blood or by adoption;

23 (C) a parent's brother or sister, of the whole or
24 half blood or by adoption;

25 (D) a son or daughter of a brother or sister, of
26 the whole or half blood or by adoption;

27 (E) a current or former stepchild or stepparent;

1 or

2 (F) a son or daughter of a parent's brother or
3 sister, of the whole or half blood or by adoption;

4 (5) a declaration that the absent applicant desires to
5 marry and the name, age, and address of the person to whom the
6 absent applicant desires to be married;

7 (6) the approximate date on which the marriage is to
8 occur;

9 (7) a declaration that the absent applicant is a
10 member of the armed forces of the United States stationed in another
11 country in support of combat or another military operation; [the
12 ~~reason the absent applicant is unable to appear personally before~~
13 ~~the county clerk for the issuance of the license; and]~~

14 (8) a declaration that the absent applicant is unable
15 to attend the marriage ceremony; and

16 (9) [~~if the absent applicant will be unable to attend~~
17 ~~the ceremony,~~] the appointment of any adult, other than the other
18 applicant, to act as proxy for the purpose of participating in the
19 ceremony.

20 SECTION 3. Subchapter A, Chapter 2, Family Code, is amended
21 by adding Section 2.0071 to read as follows:

22 Sec. 2.0071. MAINTENANCE OF RECORDS BY CLERK RELATING TO
23 LICENSE FOR ABSENT APPLICANT. A county clerk who issues a marriage
24 license for an absent applicant shall maintain the affidavit of the
25 absent applicant and the application for the marriage license in
26 the same manner that the clerk maintains an application for a
27 marriage license submitted by two applicants in person.

1 SECTION 4. Section 2.009(c), Family Code, is amended to
2 read as follows:

3 (c) On the proper execution of the application, the clerk
4 shall:

5 (1) prepare the license;

6 (2) enter on the license the names of the licensees,
7 the date that the license is issued, and, if applicable, the name of
8 the person appointed to act as proxy for an absent applicant[~~, if~~
9 ~~any~~];

10 (3) record the time at which the license was issued;

11 (4) distribute to each applicant printed materials
12 about acquired immune deficiency syndrome (AIDS) and human
13 immunodeficiency virus (HIV) and note on the license that the
14 distribution was made; and

15 (5) distribute to each applicant a premarital
16 education handbook provided by the attorney general under Section
17 2.014.

18 SECTION 5. Sections 2.006 and 2.007, Family Code, as
19 amended by this Act, apply to an application for a marriage license
20 filed on or after the effective date of this Act. An application
21 filed before that date is governed by the law in effect on the date
22 the application was filed, and the former law is continued in effect
23 for that purpose.

24 SECTION 6. This Act takes effect September 1, 2013.