

1-1 By: Ashby, et al. (Senate Sponsor - Paxton) H.B. No. 869
1-2 (In the Senate - Received from the House April 15, 2013;
1-3 April 18, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2013, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the issuance of a marriage license for an absent
1-18 applicant, the participation of a proxy in certain marriage
1-19 ceremonies, and the maintenance and submission of records relating
1-20 to a marriage license issued for an absent applicant.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 2.006(c), Family Code, is amended to
1-23 read as follows:

1-24 (c) Notwithstanding Subsection (a), the clerk may not issue
1-25 a marriage license for which both applicants are absent unless the
1-26 person applying on behalf of each absent applicant provides to the
1-27 clerk an affidavit of the applicant declaring that the applicant
1-28 is[+]

1-29 ~~[(1) on active duty as]~~ a member of the armed forces of
1-30 the United States ~~stationed in another country in support of combat~~
1-31 ~~or another military operation [or the state military forces, or~~
1-32 ~~[(2) confined in a correctional facility, as defined~~
1-33 ~~by Section 1.07, Penal Code].~~

1-34 SECTION 2. Section 2.007, Family Code, is amended to read as
1-35 follows:

1-36 Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit
1-37 of an absent applicant must include:

1-38 (1) the absent applicant's full name, including the
1-39 maiden surname of a female applicant, address, date of birth, place
1-40 of birth, including city, county, and state, citizenship, and
1-41 social security number, if any;

1-42 (2) a declaration that the absent applicant has not
1-43 been divorced within the last 30 days;

1-44 (3) a declaration that the absent applicant is:

1-45 (A) not presently married; or

1-46 (B) married to the other applicant and they wish
1-47 to marry again;

1-48 (4) a declaration that the other applicant is not
1-49 presently married and is not related to the absent applicant as:

1-50 (A) an ancestor or descendant, by blood or
1-51 adoption;

1-52 (B) a brother or sister, of the whole or half
1-53 blood or by adoption;

1-54 (C) a parent's brother or sister, of the whole or
1-55 half blood or by adoption;

1-56 (D) a son or daughter of a brother or sister, of
1-57 the whole or half blood or by adoption;

1-58 (E) a current or former stepchild or stepparent;
1-59 or

1-60 (F) a son or daughter of a parent's brother or
1-61 sister, of the whole or half blood or by adoption;

2-1 (5) a declaration that the absent applicant desires to
2-2 marry and the name, age, and address of the person to whom the
2-3 absent applicant desires to be married;

2-4 (6) the approximate date on which the marriage is to
2-5 occur;

2-6 (7) the reason the absent applicant is unable to
2-7 appear personally before the county clerk for the issuance of the
2-8 license; and

2-9 (8) ~~[if the absent applicant will be unable to attend~~
2-10 ~~the ceremony,]~~ the appointment of any adult, other than the other
2-11 applicant, to act as proxy for the purpose of participating in the
2-12 ceremony, if the absent applicant is:

2-13 (A) a member of the armed forces of the United
2-14 States stationed in another country in support of combat or another
2-15 military operation; and

2-16 (B) unable to attend the ceremony.

2-17 SECTION 3. Subchapter A, Chapter 2, Family Code, is amended
2-18 by adding Section 2.0071 to read as follows:

2-19 Sec. 2.0071. MAINTENANCE OF RECORDS BY CLERK RELATING TO
2-20 LICENSE FOR ABSENT APPLICANT. A county clerk who issues a marriage
2-21 license for an absent applicant shall maintain the affidavit of the
2-22 absent applicant and the application for the marriage license in
2-23 the same manner that the clerk maintains an application for a
2-24 marriage license submitted by two applicants in person.

2-25 SECTION 4. Section 2.203(b), Family Code, is amended to
2-26 read as follows:

2-27 (b) A person ~~[unable to appear for the ceremony]~~ may assent
2-28 to marriage by the appearance of a proxy appointed in the affidavit
2-29 authorized by Subchapter A if the person is:

2-30 (1) a member of the armed forces of the United States
2-31 stationed in another country in support of combat or another
2-32 military operation; and

2-33 (2) unable to attend the ceremony.

2-34 SECTION 5. Section 194.001(a), Health and Safety Code, is
2-35 amended to read as follows:

2-36 (a) The county clerk shall file with the bureau of vital
2-37 statistics a copy of each completed marriage license application
2-38 and a copy of any affidavit of an absent applicant submitted with an
2-39 application. The clerk shall file the copies [copy] not later than
2-40 the 90th day after the date of the application. The clerk may not
2-41 collect a fee for filing the copies [copy].

2-42 SECTION 6. Sections 2.006 and 2.007, Family Code, as
2-43 amended by this Act, apply to an application for a marriage license
2-44 filed on or after the effective date of this Act. An application
2-45 filed before that date is governed by the law in effect on the date
2-46 the application was filed, and the former law is continued in effect
2-47 for that purpose.

2-48 SECTION 7. This Act takes effect September 1, 2013.

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