

By: Zedler

H.B. No. 3024

A BILL TO BE ENTITLED

1 AN ACT
2 relating to premarital education requirements for certain
3 applicants for a marriage license; creating an offense.

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

5 SECTION 1. Sections 2.004(b) and (c), Family Code, are
6 amended to read as follows:

7 (b) The application form must contain:

8 (1) a heading entitled "Application for Marriage
9 License, _____ County, Texas";

10 (2) spaces for each applicant's full name, including
11 the woman's maiden surname, address, social security number, if
12 any, date of birth, and place of birth, including city, county, and
13 state;

14 (3) a space for indicating the document tendered by
15 each applicant as proof of identity and age;

16 (4) spaces for indicating whether each applicant has
17 been divorced within the last 30 days;

18 (4-a) a space for indicating whether the applicants
19 are required to have completed a premarital education course under
20 Section 2.013(a-1);

21 (5) printed boxes for each applicant to check "true"
22 or "false" in response to the following statement: "I am not
23 presently married and the other applicant is not presently
24 married.";

1 (6) printed boxes for each applicant to check "true"
2 or "false" in response to the following statement: "The other
3 applicant is not related to me as:

4 (A) an ancestor or descendant, by blood or
5 adoption;

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

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

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

12 (E) a current or former stepchild or stepparent;
13 or

14 (F) a son or daughter of a parent's brother or
15 sister, of the whole or half blood or by adoption.";

16 (7) printed boxes for each applicant to check "true"
17 or "false" in response to the following statement: "I am not
18 presently delinquent in the payment of court-ordered child
19 support.";

20 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR
21 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
22 CORRECT.";

23 (9) spaces immediately below the printed oath for the
24 applicants' signatures;

25 (10) a certificate of the county clerk that:

26 (A) each applicant made the oath and the date and
27 place that it was made; or

1 (B) an applicant did not appear personally but
2 the prerequisites for the license have been fulfilled as provided
3 by this chapter;

4 (11) spaces for indicating the date of the marriage
5 and the county in which the marriage is performed; and

6 (12) a space for the address to which the applicants
7 desire the completed license to be mailed.

8 (c) An applicant commits an offense if the applicant
9 knowingly provides false information under Subsection (b)(1), (2),
10 (3), [~~or~~] (4), or (4-a). An offense under this subsection is a
11 Class C misdemeanor.

12 SECTION 2. Section 2.009(a), Family Code, is amended to
13 read as follows:

14 (a) Except as provided by Subsections (b) and (d), the
15 county clerk may not issue a license if either applicant:

16 (1) fails to provide the information required by this
17 subchapter;

18 (2) fails to submit proof of age and identity;

19 (3) is under 16 years of age and has not been granted a
20 court order as provided by Section 2.103;

21 (4) is 16 years of age or older but under 18 years of
22 age and has not presented at least one of the following:

23 (A) parental consent as provided by Section
24 2.102;

25 (B) documents establishing that a prior marriage
26 of the applicant has been dissolved; or

27 (C) a court order as provided by Section 2.103;

1 (5) checks "false" in response to a statement in the
2 application, except as provided by Subsection (b) or (d), or fails
3 to make a required declaration in an affidavit required of an absent
4 applicant; ~~or~~

5 (6) indicates that the applicant has been divorced
6 within the last 30 days, unless:

7 (A) the applicants were divorced from each other;
8 or

9 (B) the prohibition against remarriage is waived
10 as provided by Section 6.802; or

11 (7) indicates that the applicants are required to have
12 completed a premarital education course under Section 2.013(a-1)
13 and fails to submit a certificate provided under Section 2.013(f)
14 that demonstrates completion of a course of the required number of
15 hours during the required period.

16 SECTION 3. Section 2.013, Family Code, is amended by
17 amending Subsections (a) and (f) and adding Subsection (a-1) to
18 read as follows:

19 (a) Each person, other than a person subject to Subsection
20 (a-1), applying for a marriage license is encouraged to attend a
21 premarital education course of at least eight hours during the
22 year preceding the date of the application for the license.

23 (a-1) Each person applying for a marriage license is
24 required to attend a premarital education course of at least 10
25 hours during the year preceding the date of the application for the
26 license if:

27 (1) either applicant for the license has been

1 divorced; and

2 (2) either applicant for the license is the parent of a
3 child under 18 years of age who:

4 (A) is not and has not been married; and

5 (B) has not had the disabilities of minority
6 removed for general purposes.

7 (f) A person who provides a premarital education course
8 shall provide a signed and dated completion certificate to each
9 individual who completes the course. The certificate must include
10 the name and number of hours of the course, the name of the course
11 provider, and the completion date.

12 SECTION 4. The changes in law made by this Act apply only to
13 an application for a marriage license submitted to a county clerk on
14 or after the effective date of this Act. An application for a
15 marriage license submitted before the effective date of this Act is
16 governed by the law in effect immediately before that date, and the
17 former law is continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2013.