

BILL ANALYSIS

H.B. 178
By: Zedler
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the 72-hour waiting period required for a couple wishing to marry may be waived by a judge with jurisdiction over family law cases, a supreme court justice, a judge of the court of criminal appeals, a county judge, or a judge of a court of appeals. Informed observers contend that, due to an oversight, this authority was not extended to justices of the peace. The observers note that, as the authority who most often performs marriage ceremonies, a justice of the peace is more likely to be able to efficiently determine an emergency scenario, military deployment, or other extenuating circumstance that warrants a waiver. H.B. 178 seeks to remedy this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 178 amends the Family Code to include a justice of the peace among the judges who have the authority to sign a waiver permitting a marriage ceremony to take place during the 72-hour waiting period following the issuance of a marriage license.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.