

## **BILL ANALYSIS**

C.S.H.B. 818  
By: Cortez  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that United States armed services members in active-duty status would benefit from there being more options for finding an authorized person to conduct a member's marriage ceremony. C.S.H.B. 818 seeks to address this issue by providing for county clerks and deputy clerks in certain counties to conduct such a marriage ceremony.

### **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**

C.S.H.B. 818 amends the Family Code and Government Code to authorize a county clerk and any deputy clerk appointed by the clerk to conduct a marriage ceremony in which a participant is a member of the United States armed forces in active-duty status and which is performed in a county with a population of at least 1.7 million that contains a municipality in which at least 75 percent of the county's population resides.

C.S.H.B. 818 amends the Government Code to require a county clerk or deputy clerk who conducts such a marriage ceremony to collect a \$25 fee for conducting the ceremony and to deposit the fee in the county treasury to be used by the county only to fund charitable organizations that assist or provide care for victims of family violence or of child abuse or neglect or provide family violence prevention services.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 818 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 2.202(a), Family Code, is amended to read as follows:

(a) The following persons are authorized to conduct a marriage ceremony:

(1) a licensed or ordained Christian minister or priest;

(2) a Jewish rabbi;

(3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony;

(4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, retired judge of a municipal court, associate judge of a statutory probate court, retired associate judge of a statutory probate court, associate judge of a county court at law, retired associate judge of a county court at law, or judge or magistrate of a federal court of this state; ~~and~~

(5) a retired judge or magistrate of a federal court of this state; and

(6) in a county with a population of at least 1.7 million that contains a municipality in which at least 75 percent of the county's population resides, the county clerk and any deputy clerk appointed by the clerk.

SECTION 2. Section 51.402, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In a county to which Section 2.202(a)(6), Family Code, applies, the county clerk and any deputy clerk appointed by the clerk may conduct a marriage ceremony.

SECTION 3. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.6045.

SECTION 4. The changes in law made by this Act apply only to a marriage ceremony that is conducted on or after the effective

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 2.202, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For a marriage ceremony in which a participant is a member of the United States armed forces in active-duty status and which is performed

in a county with a population of at least 1.7 million that contains a municipality in which at least 75 percent of the county's population resides, the county clerk and any deputy clerk appointed by the clerk are authorized to conduct the ceremony.

SECTION 2. Section 51.402, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In a county to which Section 2.202(a-1), Family Code, applies, the county clerk and any deputy clerk appointed by the clerk may conduct a marriage ceremony for a member of the United States armed forces in active-duty status.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

date of this Act. A marriage ceremony conducted before the effective date of this Act is governed by the law in effect on the date the ceremony was conducted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

SECTION 5. Same as introduced version.