

BILL ANALYSIS

S.B. 907
By: Perry
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the COVID-19 pandemic, many county clerk offices closed their offices or imposed restrictions that limited the number of people that could appear in person to conduct their business at one time. While this created a number of challenges, it was particularly problematic for couples who wanted to apply for a marriage license. Current law requires that each person applying for a marriage license appear in person. As such, couples who could not physically appear to obtain a marriage license were unable to be legally wed. S.B. 907 seeks to address this issue by allowing county clerks to voluntarily become certified to issue marriage licenses to applicants through the use of remote technology.

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 rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 2 of this bill.

ANALYSIS

S.B. 907 amends the Government Code to require the Texas Judicial Council (TJC), by rule and not later than January 1, 2022, to develop and implement in consultation with the Department of State Health Services a voluntary certification process under which a county clerk may be certified to issue a marriage license to applicants through the use of remote technology in accordance with procedures adopted by the council. The procedures adopted by the council must ensure sufficient verification of each applicant's age and identity to prevent fraud.

S.B. 907 amends the Family Code to establish the following with respect to a county in which the county clerk has been certified to issue marriage licenses through the use of remote technology:

- a person who applies for a marriage license through the use of remote technology is considered to have appeared before the court; and
- the county clerk may issue a marriage license through the use of remote technology only in accordance with the procedures adopted by the TJC.

EFFECTIVE DATE

September 1, 2021.