87R12004 MLH-D

By:  Ramos H.B. No. 3005

A BILL TO BE ENTITLED

AN ACT

relating to annulment of a marriage on the grounds of concealed divorce.

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

SECTION 1.  Section 6.109, Family Code, is amended to read as follows:

Sec. 6.109.  CONCEALED DIVORCE. (a) The court may grant an annulment of a marriage to a party to the marriage if:

(1)  the other party was divorced from a third party within the 30-day period preceding the date of the marriage ceremony;

(2)  at the time of the marriage ceremony the petitioner did not know, and a reasonably prudent person would not have known, of the divorce; and

(3)  [~~since~~] the petitioner ceased cohabitation with the other party not more than one year after the petitioner discovered or a reasonably prudent person would have discovered the fact of the divorce and [~~, the petitioner~~] has not voluntarily cohabited with the other party since ceasing cohabitation.

(b)  A suit may not be brought under this section after the first anniversary of the date the petitioner discovered or a reasonably prudent person would have discovered the fact of the divorce [~~marriage~~].

SECTION 2.  The change in law made by this Act applies only to a suit for dissolution of a marriage that is filed on or after the effective date of this Act. A suit for dissolution of a marriage filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2021.