

By: Rosenthal

H.B. No. 1590

A BILL TO BE ENTITLED

AN ACT

relating to the age at which a person in this state may marry.

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

SECTION 1. Section 2.009(a), Family Code, is amended to read as follows:

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

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

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

(3) is under 18 years of age, regardless of whether the applicant has been granted by this state or another state ~~and has not presented:~~

~~[(A)] a court order [granted by this state under Chapter 31] removing the disabilities of minority of the applicant for general purposes; [or~~

~~[(B) if the applicant is a nonresident minor, a certified copy of an order removing the disabilities of minority of the applicant for general purposes filed with this state under Section 31.007,]~~

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

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

3 (A) the applicants were divorced from each other;
4 or

5 (B) the prohibition against remarriage is waived
6 as provided by Section 6.802.

7 SECTION 2. Section 2.101, Family Code, is amended to read as
8 follows:

9 Sec. 2.101. GENERAL AGE REQUIREMENT. A county clerk may not
10 issue a marriage license if either applicant is under 18 years of
11 age, regardless of whether the [~~unless each~~] underage applicant
12 [~~shows that the applicant~~] has been granted by this state or another
13 state a court order removing the disabilities of minority of the
14 applicant for general purposes.

15 SECTION 3. Section 6.205, Family Code, is amended to read as
16 follows:

17 Sec. 6.205. MARRIAGE TO MINOR. A marriage is void if either
18 party to the marriage is younger than 18 years of age, regardless of
19 whether [~~unless~~] a court order removing the disabilities of
20 minority of the party for general purposes has been obtained in this
21 state or in another state.

22 SECTION 4. Section 2.003, Family Code, is repealed.

23 SECTION 5. (a) Chapter 2, Family Code, as amended by this
24 Act, applies only to an application for a marriage license filed on
25 or after the effective date of this Act. An application filed
26 before that date is governed by the law in effect on the date the
27 application was filed, and the former law is continued in effect for

1 that purpose.

2 (b) Section 6.205, Family Code, as amended by this Act,
3 applies only to a marriage entered into on or after the effective
4 date of this Act. A marriage entered into before that date is
5 governed by the law in effect on the date the marriage was entered
6 into, and the former law is continued in effect for that purpose.

7 SECTION 6. This Act takes effect September 1, 2021.