

BILL ANALYSIS

H.B. 2091
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, when an individual applies for a marriage license or a declaration of an informal marriage, the applicant's full name, address, and county of residence and the last four numbers of the applicant's social security number are subsequently available for public viewing, and this identifying information appears for all applicants, even those who are victims of family violence, dating violence, sexual assault, stalking, or human trafficking. H.B. 2091 seeks to address this issue by allowing a respective applicant who has been a victim of such crimes to keep certain of that identifying information on the applicable forms confidential by checking a box on the form indicating the applicant's desire to keep the information confidential. This will enable the county clerk and the state vital statistics unit in the Department of Health Services to redact any identifying information regarding those applicants and keep it from being publicly available.

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. 2091 amends the Family Code to require an application form for a marriage license and a declaration of informal marriage form to contain a printed box for either the license applicant or named party to the declaration, as applicable, to check indicating a preference to keep identifying information on the form confidential if either applicant or party is or has been a victim of family violence, dating violence, sexual assault, stalking, or human trafficking. The bill prohibits a county clerk, if an applicant for a marriage license or a party to a declaration of informal marriage has checked the box on the application or declaration, respectively, from publicly publishing identifying information of either party or applicant, other than the names of the parties or applicants, and from releasing a copy of the application or declaration that includes such identifying information to anyone other than the named applicant or party or the legal representative of the applicant or party, as applicable.

H.B. 2091 amends the Health and Safety Code to prohibit the vital statistics unit in the Department of State Health Services from furnishing any personally identifying information on record relating to a marriage for which such an applicant or party has requested confidentiality under the bill's provisions, other than the names of the parties to the marriage, to anyone other than a party to the marriage or the party's legal representative.

H.B. 2091 applies only to an application for a marriage license filed, or a declaration of an informal marriage executed, as applicable, on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.