88R7979 AMF-D

By:  Manuel, Rose, Morales of Harris, Plesa, H.B. No. 2091

     Hinojosa

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information on a marriage license, an application for a marriage license, and a declaration of informal marriage.

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

SECTION 1.  Section 2.004(b), Family Code, is amended to read as follows:

(b)  The application form must contain:

(1)  a heading entitled "Application for Marriage License, \_\_\_\_\_\_\_\_\_\_\_\_ County, Texas";

(2)  spaces for each applicant's full name, including the woman's maiden surname, address, social security number, if any, date of birth, and place of birth, including city, county, and state;

(3)  a space for indicating the document tendered by each applicant as proof of identity and age;

(4)  spaces for indicating whether each applicant has been divorced within the last 30 days;

(5)  printed boxes for each applicant to check "true" or "false" in response to the following statement: "I am not presently married and the other applicant is not presently married.";

(6)  printed boxes for each applicant to check "true" or "false" in response to the following statement: "The other applicant is not related to me as:

(A)  an ancestor or descendant, by blood or adoption;

(B)  a brother or sister, of the whole or half blood or by adoption;

(C)  a parent's brother or sister, of the whole or half blood or by adoption;

(D)  a son or daughter of a brother or sister, of the whole or half blood or by adoption;

(E)  a current or former stepchild or stepparent; or

(F)  a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption.";

(7)  printed boxes for each applicant to check "true" or "false" in response to the following statement: "I am not presently delinquent in the payment of court-ordered child support.";

(8)  a printed box for either applicant to check "Yes, please keep the identifying information on this form confidential" in response to the following statement: "If either applicant named on this form is or has been a victim of family violence, dating violence, sexual assault, stalking, or human trafficking and would like the identifying information on this form to be kept confidential, check the following box.";

(9)  a printed oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS CORRECT.";

(10) [~~(9)~~]  spaces immediately below the printed oath for the applicants' signatures;

(11) [~~(10)~~]  a certificate of the county clerk that:

(A)  each applicant made the oath and the date and place that it was made; or

(B)  an applicant did not appear personally but the prerequisites for the license have been fulfilled as provided by this chapter;

(12) [~~(11)~~]  spaces for indicating the date of the marriage and the county in which the marriage is performed;

(13) [~~(12)~~]  a space for the address to which the applicants desire the completed license to be mailed; and

(14) [~~(13)~~]  a printed box for each applicant to check indicating that the applicant wishes to make a voluntary contribution of $5 to promote healthy early childhood by supporting the Texas Home Visiting Program administered by the Office of Early Childhood Coordination of the Health and Human Services Commission.

SECTION 2.  Subchapter A, Chapter 2, Family Code, is amended by adding Section 2.011 to read as follows:

Sec. 2.011.  CONFIDENTIALITY OF CERTAIN INFORMATION. If an applicant for a marriage license has checked the box described by Section 2.004(b)(8), the county clerk may not:

(1)  publicly publish the personally identifying information of either applicant, other than the names of the applicants; or

(2)  release a copy of the application or license that includes the personally identifying information of either applicant, other than the names of the applicants, to anyone other than an applicant named on the license or the applicant's legal representative.

SECTION 3.  Section 2.402(b), Family Code, is amended to read as follows:

(b)  The declaration form must contain:

(1)  a heading entitled "Declaration and Registration of Informal Marriage, \_\_\_\_\_\_\_\_\_\_\_ County, Texas";

(2)  spaces for each party's full name, including the woman's maiden surname, address, date of birth, place of birth, including city, county, and state, and social security number, if any;

(3)  a space for indicating the type of document tendered by each party as proof of age and identity;

(4)  printed boxes for each party to check "true" or "false" in response to the following statement: "The other party is not related to me as:

(A)  an ancestor or descendant, by blood or adoption;

(B)  a brother or sister, of the whole or half blood or by adoption;

(C)  a parent's brother or sister, of the whole or half blood or by adoption;

(D)  a son or daughter of a brother or sister, of the whole or half blood or by adoption;

(E)  a current or former stepchild or stepparent; or

(F)  a son or daughter of a parent's brother or sister, of the whole or half blood or by adoption.";

(5)  a printed box for either party to check "Yes, please keep the identifying information on this form confidential" in response to the following statement: "If either party named on this form is or has been a victim of family violence, dating violence, sexual assault, stalking, or human trafficking and would like the identifying information on this form to be kept confidential, check the following box.";

(6)  a printed declaration and oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS HUSBAND AND WIFE AND IN THIS STATE WE REPRESENTED TO OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE OTHER PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS DECLARATION IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS CORRECT.";

(7) [~~(6)~~]  spaces immediately below the printed declaration and oath for the parties' signatures; and

(8) [~~(7)~~]  a certificate of the county clerk that the parties made the declaration and oath and the place and date it was made.

SECTION 4.  Subchapter E, Chapter 2, Family Code, is amended by adding Section 2.406 to read as follows:

Sec. 2.406.  CONFIDENTIALITY OF CERTAIN INFORMATION. If a party to a declaration of informal marriage has checked the box described by Section 2.402(b)(5), the county clerk may not:

(1)  publicly publish the personally identifying information of either party, other than the names of the parties; or

(2)  release a copy of the declaration that includes the personally identifying information of either party, other than the names of the parties, to anyone other than a party named on the declaration or the party's legal representative.

SECTION 5.  Section 194.004, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  Except as otherwise provided by this section, the  [~~The~~] vital statistics unit shall furnish on request any information it has on record relating to any marriage, divorce, or annulment of marriage.

(c)  If a party to a marriage has checked the box described by Section 2.004(b)(8) or 2.402(b)(5), Family Code, on the marriage license application or declaration of informal marriage, as applicable, the vital statistics unit may not furnish any personally identifying information on record relating to the marriage, 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.

SECTION 6.  The changes in law made by this Act apply only to an application for a marriage license filed, or a declaration of an informal marriage executed, as applicable, on or after the effective date of this Act.  An application filed or declaration executed before the effective date of this Act is governed by the law in effect on the date the application was filed or the declaration was executed, and the former law is continued in effect for that purpose.

SECTION 7.  This Act takes effect September 1, 2023.