

By: Dutton

H.B. No. 3431

A BILL TO BE ENTITLED

AN ACT

relating to certain void marriages.

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

SECTION 1. Section 6.202(b), Family Code, is amended to read as follows:

(b) The later marriage that is void under this section becomes valid when the prior marriage is dissolved if, after the date of the dissolution, the parties have lived together as husband and wife and represented themselves to others as being married, unless a putative spouse:

(1) did not know that the later void marriage was entered into when the other party had an existing marriage; and

(2) files a suit to declare the later marriage void not later than the second anniversary of the date the putative spouse knew or should have known that the later marriage was entered into when the other party had an existing marriage.

SECTION 2. Chapter 9, Family Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. DECLARING A DECREE VOID

Sec. 9.401. LACK OF JURISDICTION. (a) A decree of divorce or annulment is void if the court rendering the decree lacked jurisdiction at the time the decree was rendered.

(b) A putative spouse may file a suit to declare a decree of divorce or annulment void under Subsection (a).

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2023.