

1-1 By: Dutton (Senate Sponsor - Hughes) H.B. No. 3431
1-2 (In the Senate - Received from the House May 1, 2023;
1-3 May 1, 2023, read first time and referred to Committee on
1-4 Jurisprudence; May 17, 2023, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to certain void marriages.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Section 6.202(b), Family Code, is amended to
1-18 read as follows:

1-19 (b) The later marriage that is void under this section
1-20 becomes valid when the prior marriage is dissolved if, after the
1-21 date of the dissolution, the parties have lived together as husband
1-22 and wife and represented themselves to others as being married,
1-23 unless a putative spouse:

1-24 (1) did not know that the later void marriage was
1-25 entered into when the other party had an existing marriage; and

1-26 (2) files a suit to declare the later marriage void not
1-27 later than the second anniversary of the date the putative spouse
1-28 knew or should have known that the later marriage was entered into
1-29 when the other party had an existing marriage.

1-30 SECTION 2. Chapter 9, Family Code, is amended by adding
1-31 Subchapter E to read as follows:

1-32 SUBCHAPTER E. DECLARING A DECREE VOID

1-33 Sec. 9.401. LACK OF JURISDICTION. (a) A decree of divorce
1-34 or annulment is void if the court rendering the decree lacked
1-35 jurisdiction at the time the decree was rendered.

1-36 (b) A putative spouse may file a suit to declare a decree of
1-37 divorce or annulment void under Subsection (a).

1-38 SECTION 3. This Act takes effect immediately if it receives
1-39 a vote of two-thirds of all the members elected to each house, as
1-40 provided by Section 39, Article III, Texas Constitution. If this
1-41 Act does not receive the vote necessary for immediate effect, this
1-42 Act takes effect September 1, 2023.

1-43 * * * * *