

## **BILL ANALYSIS**

C.S.H.B. 2240  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that current law does not adequately address when one party to a marriage fraudulently or based on incorrect assumptions fails to obtain a legal termination to a marriage and subsequently purports to remarry. C.S.H.B. 2240 seeks to provide additional tools to a prior spouse whose marriage was improperly ended without their knowledge or participation.

### **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**

C.S.H.B. 2240 amends the Family Code to establish that a decree of divorce or annulment is void if the court rendering the decree lacked jurisdiction at the time the decree was rendered. The bill authorizes a putative spouse to file a suit to declare a decree of divorce or annulment void for such a lack of jurisdiction.

C.S.H.B. 2240 provides as an exception to the statutory provision validating a later marriage on the dissolution of an existing marriage for parties who have lived together as husband and wife and represented themselves to others as being married when a putative spouse:

- did not know that the later marriage was entered into when the other party had an existing marriage;
- has not lived together with the other party as spouses or represented himself or herself as married since the date the putative spouse knew the later marriage was entered into when the other party had an existing marriage; and
- files a suit to declare the later marriage void not later than the 30th day after the date the putative spouse knew that the later marriage was entered into when the other party had an existing marriage.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2240 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises provisions of the introduced providing for the exception to the validation of a second marriage by doing the following:

- including a condition absent from the introduced that a putative spouse has not lived together with the other party as spouses or represented himself or herself as married since the date the putative spouse knew the later marriage was entered into when the other party had an existing marriage; and
- revising the timeline to file the suit from 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, as in the introduced, to not later than the 30th day after the date the putative spouse knew that the later marriage was entered into when the other party had an existing marriage.