

By: Johnson

S.B. No. 1724

A BILL TO BE ENTITLED

AN ACT

relating to certain statutory changes to reflect and address same-sex marriages and parenting relationships and to the removal of provisions regarding the criminality or unacceptability of homosexual conduct.

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

ARTICLE 1. FAMILY CODE PROVISIONS

SECTION 1.01. Subchapter A, Chapter 1, Family Code, is amended by adding Section 1.0015 to read as follows:

Sec. 1.0015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY. When necessary to implement the rights and duties of spouses or parents in a marriage between persons of the same sex under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender.

SECTION 1.02. Section 2.001(a), Family Code, is amended to read as follows:

(a) Two individuals ~~[A man and a woman]~~ desiring to enter into a ceremonial marriage must obtain a marriage license from the county clerk of any county of this state.

SECTION 1.03. 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 of an applicant intending to change the applicant's surname as a result of the marriage, 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 oath reading: "I SOLEMNLY SWEAR (OR AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS CORRECT.";

(9) spaces immediately below the printed oath for the applicants' signatures;

(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;

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

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

(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 1.04. Section 2.007, Family Code, is amended to read as follows:

1 Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit
2 of an absent applicant must include:

3 (1) the absent applicant's full name, including the
4 ~~[maiden]~~ surname of an ~~[a female]~~ applicant intending to change the
5 applicant's surname as a result of the marriage, address, date of
6 birth, place of birth, including city, county, and state,
7 citizenship, and social security number, if any;

8 (2) a declaration that the absent applicant has not
9 been divorced within the last 30 days;

10 (3) a declaration that the absent applicant is:

11 (A) not presently married; or

12 (B) married to the other applicant and they wish
13 to marry again;

14 (4) a declaration that the other applicant is not
15 presently married and is not related to the absent applicant as:

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

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

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

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

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

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

(5) a declaration that the absent applicant desires to marry and the name, age, and address of the person to whom the absent applicant desires to be married;

(6) the approximate date on which the marriage is to occur;

(7) the reason the absent applicant is unable to appear personally before the county clerk for the issuance of the license; and

(8) the appointment of any adult, other than the other applicant, to act as proxy for the purpose of participating in the ceremony, if the absent applicant is:

(A) a member of the armed forces of the United States stationed in another country in support of combat or another military operation; and

(B) unable to attend the ceremony.

SECTION 1.05. Section 2.401(a), Family Code, is amended to read as follows:

(a) In a judicial, administrative, or other proceeding, the marriage of two individuals [~~a man and woman~~] may be proved by evidence that:

(1) a declaration of their marriage has been signed as provided by this subchapter; or

(2) the individuals [~~man and woman~~] agreed to be married and after the agreement they lived together in this state as spouses [~~husband and wife~~] and there represented to others that they were married.

SECTION 1.06. Section 2.402(b), Family Code, is amended to

1 read as follows:

2 (b) The declaration form must contain:

3 (1) a heading entitled "Declaration and Registration
4 of Informal Marriage, _____ County, Texas";

5 (2) spaces for each party's full name, including the
6 ~~[woman's maiden]~~ surname of a party intending to change the party's
7 surname as a result of the marriage, address, date of birth, place
8 of birth, including city, county, and state, and social security
9 number, if any;

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

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

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

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

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

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

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

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

27 (5) a printed declaration and oath reading: "I

1 SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO
2 EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE
3 AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS
4 SPOUSES [~~HUSBAND AND WIFE~~] AND IN THIS STATE WE REPRESENTED TO
5 OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE
6 OTHER PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS
7 DECLARATION IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS
8 CORRECT.";

9 (6) spaces immediately below the printed declaration
10 and oath for the parties' signatures; and

11 (7) a certificate of the county clerk that the parties
12 made the declaration and oath and the place and date it was made.

13 SECTION 1.07. Section 3.401, Family Code, is amended by
14 adding Subdivision (1-a) and amending Subdivisions (4) and (5) to
15 read as follows:

16 (1-a) "Civil union" means any relationship status
17 other than marriage that:

18 (A) is intended as an alternative to marriage or
19 applies primarily to cohabitating persons; and

20 (B) grants to the parties of the relationship
21 legal protections, benefits, or responsibilities granted to the
22 spouses of a marriage.

23 (4) "Marital estate" means one of three estates:

24 (A) the community property owned by the spouses
25 together and referred to as the community marital estate; or

26 (B) the separate property owned individually by
27 each spouse [~~the husband~~] and referred to as a separate marital

1 estate[, ~~or~~

2 [~~(C) the separate property owned individually by~~
3 ~~the wife, also referred to as a separate marital estate]~~].

4 (5) "Spouse" means one of the two individuals who are
5 the parties to:

6 (A) a marriage; or

7 (B) [~~a husband, who is a man, or a wife, who is a~~
8 ~~woman. A member of]~~ a civil union [~~or similar relationship]~~ entered
9 into in another state [~~between persons of the same sex is not a~~
10 ~~spouse]~~].

11 SECTION 1.08. Section 6.202(b), Family Code, is amended to
12 read as follows:

13 (b) The later marriage that is void under this section
14 becomes valid when the prior marriage is dissolved if, after the
15 date of the dissolution, the parties have lived together as spouses
16 [~~husband and wife]~~ and represented themselves to others as being
17 married.

18 SECTION 1.09. Section 6.203, Family Code, is amended to
19 read as follows:

20 Sec. 6.203. CERTAIN VOID MARRIAGES VALIDATED. Except for a
21 marriage that would have been void under Section 6.201, a marriage
22 that was entered into before January 1, 1970, in violation of the
23 prohibitions of Article 496, Penal Code of Texas, 1925, is
24 validated from the date the marriage commenced if the parties
25 continued until January 1, 1970, to live together as spouses
26 [~~husband and wife]~~ and to represent themselves to others as being
27 married.

SECTION 1.10. Section 6.704, Family Code, is amended to read as follows:

Sec. 6.704. TESTIMONY OF SPOUSE [~~HUSBAND OR WIFE~~]. (a) In a suit for dissolution of a marriage, each spouse is a [~~the husband and wife are~~] competent witness [~~witnesses~~] for and against the [~~each~~] other spouse. A spouse may not be compelled to testify as to a matter that will incriminate the spouse.

(b) If a spouse [~~the husband or wife~~] testifies, the court or jury trying the case shall determine the credibility of the witness and the weight to be given the witness's testimony.

SECTION 1.11. Chapter 51, Family Code, is amended by adding Section 51.015 to read as follows:

Sec. 51.015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY. When necessary to implement the rights and duties of spouses or parents under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender.

SECTION 1.12. Chapter 101, Family Code, is amended by adding Section 101.0012 to read as follows:

Sec. 101.0012. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY. When necessary to implement the rights and duties of spouses or parents under the laws of this state, gender-specific terminology must be construed in a neutral manner to refer to a person of either gender.

SECTION 1.13. Section 108.009(b), Family Code, is amended to read as follows:

(b) The new certificate may not show that a parent-child

1 ~~[the father and child]~~ relationship was established after the
2 child's birth but may show the child's actual place and date of
3 birth.

4 SECTION 1.14. Section 152.310(d), Family Code, is amended
5 to read as follows:

6 (d) A privilege against disclosure of communications
7 between spouses and a defense of immunity based on the relationship
8 of spouses ~~[husband and wife]~~ or parent and child may not be invoked
9 in a proceeding under this subchapter.

10 SECTION 1.15. Section 153.312(b), Family Code, is amended
11 to read as follows:

12 (b) The following provisions govern possession of the child
13 for vacations and certain specific holidays and supersede
14 conflicting weekend or Thursday periods of possession. The
15 possessory conservator and the managing conservator shall have
16 rights of possession of the child as follows:

17 (1) the possessory conservator shall have possession
18 in even-numbered years, beginning at 6 p.m. on the day the child is
19 dismissed from school for the school's spring vacation and ending
20 at 6 p.m. on the day before school resumes after that vacation, and
21 the managing conservator shall have possession for the same period
22 in odd-numbered years;

23 (2) if a possessory conservator:

24 (A) gives the managing conservator written
25 notice by April 1 of each year specifying an extended period or
26 periods of summer possession, the possessory conservator shall have
27 possession of the child for 30 days beginning not earlier than the

1 day after the child's school is dismissed for the summer vacation
2 and ending not later than seven days before school resumes at the
3 end of the summer vacation, to be exercised in not more than two
4 separate periods of at least seven consecutive days each, with each
5 period of possession beginning and ending at 6 p.m. on each
6 applicable day; or

7 (B) does not give the managing conservator
8 written notice by April 1 of each year specifying an extended period
9 or periods of summer possession, the possessory conservator shall
10 have possession of the child for 30 consecutive days beginning at 6
11 p.m. on July 1 and ending at 6 p.m. on July 31;

12 (3) if the managing conservator gives the possessory
13 conservator written notice by April 15 of each year, the managing
14 conservator shall have possession of the child on any one weekend
15 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
16 Sunday during one period of possession by the possessory
17 conservator under Subdivision (2), provided that the managing
18 conservator picks up the child from the possessory conservator and
19 returns the child to that same place; and

20 (4) if the managing conservator gives the possessory
21 conservator written notice by April 15 of each year or gives the
22 possessory conservator 14 days' written notice on or after April 16
23 of each year, the managing conservator may designate one weekend
24 beginning not earlier than the day after the child's school is
25 dismissed for the summer vacation and ending not later than seven
26 days before school resumes at the end of the summer vacation, during
27 which an otherwise scheduled weekend period of possession by the

1 possessory conservator will not take place, provided that the
2 weekend designated does not interfere with the possessory
3 conservator's period or periods of extended summer possession or
4 with Father's Day if the possessory conservator is a [the] father of
5 the child who is entitled to possession of the child for Father's
6 Day weekend that year.

7 SECTION 1.16. Sections 153.313 and 153.314, Family Code,
8 are amended to read as follows:

9 Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART. If
10 the possessory conservator resides more than 100 miles from the
11 residence of the child, the possessory conservator shall have the
12 right to possession of the child as follows:

13 (1) either regular weekend possession beginning on the
14 first, third, and fifth Friday as provided under the terms
15 applicable to parents who reside 100 miles or less apart or not more
16 than one weekend per month of the possessory conservator's choice
17 beginning at 6 p.m. on the day school recesses for the weekend and
18 ending at 6 p.m. on the day before school resumes after the weekend,
19 provided that the possessory conservator gives the managing
20 conservator 14 days' written or telephonic notice preceding a
21 designated weekend, and provided that the possessory conservator
22 elects an option for this alternative period of possession by
23 written notice given to the managing conservator within 90 days
24 after the parties begin to reside more than 100 miles apart, as
25 applicable;

26 (2) each year beginning at 6 p.m. on the day the child
27 is dismissed from school for the school's spring vacation and

1 ending at 6 p.m. on the day before school resumes after that
2 vacation;

3 (3) if the possessory conservator:

4 (A) gives the managing conservator written
5 notice by April 1 of each year specifying an extended period or
6 periods of summer possession, the possessory conservator shall have
7 possession of the child for 42 days beginning not earlier than the
8 day after the child's school is dismissed for the summer vacation
9 and ending not later than seven days before school resumes at the
10 end of the summer vacation, to be exercised in not more than two
11 separate periods of at least seven consecutive days each, with each
12 period of possession beginning and ending at 6 p.m. on each
13 applicable day; or

14 (B) does not give the managing conservator
15 written notice by April 1 of each year specifying an extended period
16 or periods of summer possession, the possessory conservator shall
17 have possession of the child for 42 consecutive days beginning at 6
18 p.m. on June 15 and ending at 6 p.m. on July 27;

19 (4) if the managing conservator gives the possessory
20 conservator written notice by April 15 of each year the managing
21 conservator shall have possession of the child on one weekend
22 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
23 Sunday during one period of possession by the possessory
24 conservator under Subdivision (3), provided that if a period of
25 possession by the possessory conservator exceeds 30 days, the
26 managing conservator may have possession of the child under the
27 terms of this subdivision on two nonconsecutive weekends during

1 that time period, and further provided that the managing
2 conservator picks up the child from the possessory conservator and
3 returns the child to that same place; and

4 (5) if the managing conservator gives the possessory
5 conservator written notice by April 15 of each year, the managing
6 conservator may designate 21 days beginning not earlier than the
7 day after the child's school is dismissed for the summer vacation
8 and ending not later than seven days before school resumes at the
9 end of the summer vacation, to be exercised in not more than two
10 separate periods of at least seven consecutive days each, with each
11 period of possession beginning and ending at 6 p.m. on each
12 applicable day, during which the possessory conservator may not
13 have possession of the child, provided that the period or periods so
14 designated do not interfere with the possessory conservator's
15 period or periods of extended summer possession or with Father's
16 Day if the possessory conservator is a [the] father of the child who
17 is entitled to possession of the child for Father's Day weekend that
18 year.

19 Sec. 153.314. HOLIDAY POSSESSION UNAFFECTED BY DISTANCE
20 PARENTS RESIDE APART. The following provisions govern possession
21 of the child for certain specific holidays and supersede
22 conflicting weekend or Thursday periods of possession without
23 regard to the distance the parents reside apart. The possessory
24 conservator and the managing conservator shall have rights of
25 possession of the child as follows:

26 (1) the possessory conservator shall have possession
27 of the child in even-numbered years beginning at 6 p.m. on the day

1 the child is dismissed from school for the Christmas school
2 vacation and ending at noon on December 28, and the managing
3 conservator shall have possession for the same period in
4 odd-numbered years;

5 (2) the possessory conservator shall have possession
6 of the child in odd-numbered years beginning at noon on December 28
7 and ending at 6 p.m. on the day before school resumes after that
8 vacation, and the managing conservator shall have possession for
9 the same period in even-numbered years;

10 (3) the possessory conservator shall have possession
11 of the child in odd-numbered years, beginning at 6 p.m. on the day
12 the child is dismissed from school before Thanksgiving and ending
13 at 6 p.m. on the following Sunday, and the managing conservator
14 shall have possession for the same period in even-numbered years;

15 (4) the parent not otherwise entitled under this
16 standard possession order to present possession of a child on the
17 child's birthday shall have possession of the child beginning at 6
18 p.m. and ending at 8 p.m. on that day, provided that the parent
19 picks up the child from the residence of the conservator entitled to
20 possession and returns the child to that same place;

21 (5) if a conservator, the father shall have possession
22 of the child beginning at 6 p.m. on the Friday preceding Father's
23 Day and ending on Father's Day at 6 p.m., provided that, if he is not
24 otherwise entitled under this standard possession order to present
25 possession of the child, he picks up the child from the residence of
26 the conservator entitled to possession and returns the child to
27 that same place, except that if the child has two fathers appointed

1 as conservators, the managing conservator shall have possession of
2 the child for the period described by this subdivision in
3 even-numbered years and the possessory conservator shall have
4 possession of the child for that period in odd-numbered years; and

5 (6) if a conservator, the mother shall have possession
6 of the child beginning at 6 p.m. on the Friday preceding Mother's
7 Day and ending on Mother's Day at 6 p.m., provided that, if she is
8 not otherwise entitled under this standard possession order to
9 present possession of the child, she picks up the child from the
10 residence of the conservator entitled to possession and returns the
11 child to that same place, except that if the child has two mothers
12 appointed as conservators, the managing conservator shall have
13 possession of the child for the period described by this
14 subdivision in even-numbered years and the possessory conservator
15 shall have possession of the child for that period in odd-numbered
16 years.

17 SECTION 1.17. Section 159.316(i), Family Code, is amended
18 to read as follows:

19 (i) The defense of immunity based on the relationship of
20 spouses [~~husband and wife~~] or of parent and child does not apply in
21 a proceeding under this chapter.

22 SECTION 1.18. Section 162.014(a), Family Code, is amended
23 to read as follows:

24 (a) If the joint petitioners are spouses [~~husband and wife~~]
25 and it would be unduly difficult for one of the petitioners to
26 appear at the hearing, the court may waive the attendance of that
27 petitioner if the other spouse is present.

SECTION 1.19. The following provisions of the Family Code are repealed:

(1) Section 2.001(b); and

(2) Section 6.204.

SECTION 1.20. The change in law made by this article to Section 108.009(b), Family Code, applies only to a new birth certificate for a child born on or after the effective date of this Act. A new birth certificate for a child born before that date is governed by the law in effect on the date the child was born, and the former law is continued in effect for that purpose.

SECTION 1.21. The changes in law made by this article to Sections 153.312(b), 153.313, and 153.314, Family Code, apply only to a court order providing for possession of or access to a child rendered on or after the effective date of this Act. A court order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

ARTICLE 2. AGRICULTURE CODE PROVISIONS

SECTION 2.01. Section 72.026(c), Agriculture Code, is amended to read as follows:

(c) Both spouses [~~A husband and wife~~] are jointly and severally responsible for the execution of an order under Section 72.025(c) of this code in relation to their community estate. Each spouse is responsible for the execution of an order in relation to his or her separate estate. In addition, each spouse is responsible for the execution of an order in relation to the other spouse's separate estate if he or she is the caretaker of premises belonging

1 to the separate estate of the other spouse.

2 SECTION 2.02. Section 167.055(b), Agriculture Code, is
3 amended to read as follows:

4 (b) Both spouses [~~A husband and wife~~] are jointly and
5 severally liable for the treatment of animals subject to treatment
6 that belong to their community estate. Each spouse is responsible
7 for the treatment of animals belonging to that person's separate
8 estate, except that a spouse who is the caretaker of animals owned
9 by the other spouse is responsible for the treatment of the animals.

10 ARTICLE 3. ALCOHOLIC BEVERAGE CODE PROVISION

11 SECTION 3.01. Section 109.53, Alcoholic Beverage Code, is
12 amended to read as follows:

13 Sec. 109.53. CITIZENSHIP OF PERMITTEE; CONTROL OF PREMISES;
14 SUBTERFUGE OWNERSHIP; ETC. A person who has not been a citizen of
15 Texas for a period of one year immediately preceding the filing of
16 the person's application therefor is not eligible to receive a
17 permit under this code. No permit shall be issued to a corporation
18 unless the same be incorporated under the laws of the state and
19 unless at least 51 percent of the stock of the corporation is owned
20 at all times by citizens who have resided within the state for a
21 period of one year and who possess the qualifications required of
22 other applicants for permits; provided, however, that the
23 restrictions contained in the preceding clause shall not apply to
24 domestic or foreign corporations that were engaged in the legal
25 alcoholic beverage business in this state under charter or permit
26 prior to August 24, 1935. Partnerships, firms, and associations
27 applying for permits shall be composed wholly of citizens

1 possessing the qualifications above enumerated. Any corporation
 2 (except carrier) holding a permit under this code which shall
 3 violate any provisions hereof, or any rule or regulation
 4 promulgated hereunder, shall be subject to forfeiture of its
 5 charter and it shall be the duty of the attorney general, when any
 6 such violation is called to the attorney general's attention, to
 7 file a suit for such cancellation in a district court of Travis
 8 County. The provisions of this section that require Texas
 9 citizenship or require incorporation in Texas do not apply to the
 10 holders of carrier's permits. A person may not sell, warehouse,
 11 store or solicit orders for any liquor in any wet area without first
 12 having procured a permit of the class required for such privilege,
 13 or consent to the use of or allow the person's permit to be
 14 displayed by or used by any person other than the one to whom the
 15 permit was issued. It is the intent of the legislature to prevent
 16 subterfuge ownership of or unlawful use of a permit or the premises
 17 covered by such permit; and all provisions of this code shall be
 18 liberally construed to carry out this intent, and it shall be the
 19 duty of the commission or the administrator to provide strict
 20 adherence to the general policy of preventing subterfuge ownership
 21 and related practices hereinafter declared to constitute unlawful
 22 trade practices. An applicant for a package store permit or a
 23 renewal of a package store permit may not designate as "premise" and
 24 the commission shall not approve a lesser area than that
 25 specifically defined as "premise" in Section 11.49(a). Every
 26 permittee shall have and maintain exclusive occupancy and control
 27 of the entire licensed premises in every phase of the storage,

1 distribution, possession, and transportation and sale of all
 2 alcoholic beverages purchased, stored or sold on the licensed
 3 premises. Any device, scheme or plan which surrenders control of
 4 the employees, premises or business of the permittee to persons
 5 other than the permittee shall be unlawful. No minor, unless
 6 accompanied by his or her parent, guardian, adult spouse [~~husband~~
 7 ~~or adult wife~~], or other adult person into whose custody he or she
 8 has been committed for the time by some court, shall knowingly be
 9 allowed on the premises of the holder of a package store permit.
 10 The prohibition against the presence of a minor on the premises of
 11 the holder of a package store permit does not apply to the presence
 12 on the premises of the holder or a person lawfully employed by the
 13 holder. Any package store permittee who shall be injured in the
 14 permittee's business or property by another package store permittee
 15 by reason of anything prohibited in this section may institute suit
 16 in any district court in the county wherein the violation is alleged
 17 to have occurred to require enforcement by injunctive procedures
 18 and/or to recover threefold the damages sustained by the permittee;
 19 plus costs of suit including a reasonable attorney's fee. The
 20 provisions prohibiting the licensing of only a portion of a
 21 building as premise for a package store permit shall not apply to
 22 hotels as already defined in this code.

23 ARTICLE 4. ESTATES CODE PROVISIONS

24 SECTION 4.01. Section [121.151](#), Estates Code, is amended to
 25 read as follows:

26 Sec. 121.151. DISTRIBUTION OF COMMUNITY
 27 PROPERTY. (a) This section applies to community property,

1 including the proceeds of life or accident insurance that are
2 community property and become payable to the estate of either
3 spouse [~~the husband or wife~~].

4 (b) If both spouses [~~a husband and wife~~] die leaving
5 community property but neither survives the other by 120 hours,
6 one-half of all community property shall be distributed as if one
7 spouse [~~the husband~~] had survived, and the other one-half shall be
8 distributed as if the other spouse [~~wife~~] had survived.

9 SECTION 4.02. Section 1104.001(b), Estates Code, is amended
10 to read as follows:

11 (b) Subsection (a) does not prohibit the joint appointment,
12 if the court finds it to be in the best interest of the
13 incapacitated person or ward, of:

- 14 (1) spouses [~~a husband and wife~~];
15 (2) joint managing conservators;
16 (3) co-guardians appointed under the laws of a
17 jurisdiction other than this state; or

18 (4) both parents of an adult who is incapacitated if
19 the incapacitated person:

20 (A) has not been the subject of a suit affecting
21 the parent-child relationship; or

22 (B) has been the subject of a suit affecting the
23 parent-child relationship and both of the incapacitated person's
24 parents were named as joint managing conservators in the suit but
25 are no longer serving in that capacity.

26 ARTICLE 5. FINANCE CODE PROVISIONS

27 SECTION 5.01. Section 65.103, Finance Code, is amended to

1 read as follows:

2 Sec. 65.103. JOINT TENANCY ACCOUNT HELD BY SPOUSES [~~HUSBAND~~
3 ~~AND WIFE~~]. (a) Spouses [~~A husband and wife~~] may enter into a
4 savings contract that creates a joint tenancy with right of
5 survivorship with respect to community property deposited in a
6 savings account and any future additions or dividends made or
7 credited to the account.

8 (b) An agreement under Subsection (a) must be in writing and
9 subscribed to by the spouses [~~husband and wife~~] but is not required
10 to be acknowledged.

11 SECTION 5.02. Section [342.501](#)(a), Finance Code, is amended
12 to read as follows:

13 (a) An authorized lender may not induce or permit a person
14 or spouses [~~a husband and wife~~] to be directly or indirectly
15 obligated under more than one loan contract at any time for the
16 purpose or with the effect of obtaining an amount of interest
17 greater than the amount of interest otherwise authorized under this
18 chapter for a loan of that aggregate amount with a maximum interest
19 charge computed under Section [342.201](#)(a), Section [342.201](#)(e),
20 Section [342.252](#), or any combination of those sections.

21 SECTION 5.03. Section [345.080](#)(a), Finance Code, is amended
22 to read as follows:

23 (a) A retail seller may not induce a person or spouses [~~a~~
24 ~~husband and wife~~] to become obligated at substantially the same
25 time under more than one retail installment contract with the same
26 seller for the deliberate purpose of obtaining a greater amount of
27 time price differential than is permitted under this chapter for

1 one retail installment contract.

2 ARTICLE 6. GOVERNMENT CODE PROVISIONS

3 SECTION 6.01. Section 24.601(b), Government Code, is
4 amended to read as follows:

5 (b) A family district court has primary responsibility for
6 cases involving family law matters. These matters include:

7 (1) adoptions;

8 (2) birth records;

9 (3) divorce and marriage annulment;

10 (4) child welfare, custody, support and reciprocal
11 support, dependency, neglect, and delinquency;

12 (5) parent and child; and

13 (6) spouses [~~husband and wife~~].

14 SECTION 6.02. Section 573.025(a), Government Code, is
15 amended to read as follows:

16 (a) Spouses [~~A husband and wife~~] are related to each other
17 in the first degree by affinity. For other relationships by
18 affinity, the degree of relationship is the same as the degree of
19 the underlying relationship by consanguinity. For example: if two
20 individuals are related to each other in the second degree by
21 consanguinity, the spouse of one of the individuals is related to
22 the other individual in the second degree by affinity.

23 SECTION 6.03. Section 662.071(a), Government Code, is
24 amended to read as follows:

25 (a) May 8 is Military Spouse Appreciation Day to recognize
26 the role of the spouses [~~wives and husbands~~] of the brave
27 individuals who serve in the United States armed forces or state

1 military forces. This day commemorates:

2 (1) the sacrifices military spouses make during the
3 weeks, months, and years a loved one is away from home protecting
4 our freedom; and

5 (2) the vital support military spouses provide to
6 veterans returning home from military service.

7 SECTION 6.04. Sections 810.001(h) and (i), Government Code,
8 are repealed.

9 ARTICLE 7. HEALTH AND SAFETY CODE PROVISIONS

10 SECTION 7.01. Section 85.007(b), Health and Safety Code, is
11 amended to read as follows:

12 (b) The materials in the education programs intended for
13 persons younger than 18 years of age must[+]

14 [~~(1)~~] emphasize sexual abstinence before marriage and
15 fidelity in marriage as the expected standard in terms of public
16 health and the most effective ways to prevent HIV infection,
17 sexually transmitted diseases, and unwanted pregnancies[~~and~~

18 [~~(2) state that homosexual conduct is not an acceptable~~
19 ~~lifestyle and is a criminal offense under Section 21.06, Penal~~
20 ~~Code~~].

21 SECTION 7.02. Section 163.001(a), Health and Safety Code,
22 is amended to read as follows:

23 (a) The department shall develop a model public health
24 education program suitable for school-age children and shall make
25 the program available to any person on request. The program should
26 emphasize:

27 (1) that abstinence from sexual intercourse is the

1 most effective protection against unwanted teenage pregnancy,
2 sexually transmitted diseases, and acquired immune deficiency
3 syndrome (AIDS) when transmitted sexually;

4 (2) that abstinence from sexual intercourse outside of
5 ~~lawful~~ marriage is the expected societal standard for school-age
6 unmarried persons; and

7 (3) the physical, emotional, and psychological
8 dangers of substance abuse, including the risk of acquired immune
9 deficiency syndrome (AIDS) through the sharing of needles during
10 intravenous drug usage.

11 SECTION 7.03. Section 163.002, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 163.002. INSTRUCTIONAL ELEMENTS. Course materials and
14 instruction relating to sexual education or sexually transmitted
15 diseases should include:

16 (1) an emphasis on sexual abstinence as the only
17 completely reliable method of avoiding unwanted teenage pregnancy
18 and sexually transmitted diseases;

19 (2) an emphasis on the importance of self-control,
20 responsibility, and ethical conduct in making decisions relating to
21 sexual behavior;

22 (3) statistics, based on the latest medical
23 information, that indicate the efficacy of the various forms of
24 contraception;

25 (4) information concerning the laws relating to the
26 financial responsibilities associated with pregnancy, childbirth,
27 and child rearing;

1 (5) information concerning the laws prohibiting
2 sexual abuse and the legal and counseling options available to
3 victims of sexual abuse;

4 (6) information on how to cope with and rebuff
5 unwanted physical and verbal sexual advances, as well as the
6 importance of avoiding the sexual exploitation of other persons;
7 and

8 (7) psychologically sound methods of resisting
9 unwanted peer pressure[~~, and~~

10 [~~(8) emphasis, provided in a factual manner and from a~~
11 ~~public health perspective, that homosexuality is not a lifestyle~~
12 ~~acceptable to the general public and that homosexual conduct is a~~
13 ~~criminal offense under Section 21.06, Penal Code]~~.

14 SECTION 7.04. Section 191.0046(b), Health and Safety Code,
15 is amended to read as follows:

16 (b) The state registrar shall issue without fee a certified
17 copy of a record not otherwise prohibited by law to a veteran or to
18 the veteran's widow or widower, orphan, or other dependent if the
19 copy is for use in settling a claim against the government.

20 SECTION 7.05. Section 193.006(a), Health and Safety Code,
21 is amended to read as follows:

22 (a) This section applies to the death certificate of a
23 person who:

24 (1) served in a war, campaign, or expedition of the
25 United States, the Confederate States of America, or the Republic
26 of Texas;

27 (2) was the spouse, widower, [~~wife~~] or widow of a

1 person who served in a war, campaign, or expedition of the United
2 States, the Confederate States of America, or the Republic of
3 Texas; or

4 (3) at the time of death was in the service of the
5 United States.

6 SECTION 7.06. Section 574.045(d), Health and Safety Code,
7 is amended to read as follows:

8 (d) A female patient must be accompanied by a female
9 attendant unless the patient is accompanied by a spouse or a
10 relative within the first degree of consanguinity [~~her father,~~
11 ~~husband, or adult brother or son~~].

12 ARTICLE 8. PENAL CODE PROVISIONS

13 SECTION 8.01. Section 21.11(b), Penal Code, is amended to
14 read as follows:

15 (b) It is an affirmative defense to prosecution under this
16 section that the actor:

17 (1) was not more than three years older than the victim
18 [~~and of the opposite sex~~];

19 (2) did not use duress, force, or a threat against the
20 victim at the time of the offense; and

21 (3) at the time of the offense:

22 (A) was not required under Chapter 62, Code of
23 Criminal Procedure, to register for life as a sex offender; or

24 (B) was not a person who under Chapter 62, Code of
25 Criminal Procedure, had a reportable conviction or adjudication for
26 an offense under this section.

27 SECTION 8.02. Section 25.01(d), Penal Code, is amended to

1 read as follows:

2 (d) For the purposes of this section, the lawful spouse
3 [~~wife or husband~~] of the actor may testify both for or against the
4 actor concerning proof of the original marriage.

5 SECTION 8.03. Section 21.06, Penal Code, is repealed.

6 SECTION 8.04. The change in law made by this article to
7 Section 21.11, Penal Code, applies to an offense committed on or
8 after the effective date of this Act and to any criminal action
9 pending on the effective date of this Act for an offense committed
10 before that effective date. A final conviction for an offense under
11 Section 21.11, Penal Code, that exists on the effective date of this
12 Act is unaffected by this Act.

13 ARTICLE 9. PROPERTY CODE PROVISION

14 SECTION 9.01. Section 222.006(a), Property Code, is amended
15 to read as follows:

16 (a) Before or at the time of the use of any promotion in
17 connection with the offering of a membership interest or membership
18 right in a membership camping resort, the person who intends to use
19 the promotion shall include the following information in its
20 advertisements to the prospective purchaser:

21 (1) a statement to the effect that the promotion is
22 intended to solicit purchasers of membership interests or
23 membership rights in a membership camping resort;

24 (2) the full name of the operator and seller of the
25 membership interest or membership right in the membership camping
26 resort;

27 (3) if applicable, the full name and address of any

1 marketing company involved in the promotion of the membership
2 camping resort;

3 (4) the complete rules of the promotion;

4 (5) the method of awarding, the odds of winning, and
5 the approximate retail value of prizes, gifts, or other benefits
6 under the promotion and the date by which each prize, gift, or other
7 benefit will be awarded or conferred;

8 (6) any restrictions, qualifications, or other
9 conditions that the recipient must satisfy before the recipient is
10 entitled to receive a prize, gift, or other benefit, including:

11 (A) any deadline by which the recipient must
12 visit the membership camping resort, attend the sales presentation,
13 or contact a seller in order to receive the prize, gift, or other
14 benefit;

15 (B) the date on which the offer expires; and

16 (C) any other conditions, including minimum age
17 qualifications, financial qualifications, or a requirement that if
18 the recipient is married both spouses [~~husband and wife~~] must be
19 present in order to receive the prize, gift, or other benefit;

20 (7) if applicable, a statement that the operator or
21 seller reserves the right to provide a certificate with which to
22 redeem or claim the prize, gift, or other benefit awarded and that
23 the prize, gift, or other benefit shall be shipped or delivered to
24 the recipient within 30 days following the mailing of the
25 certificate; and

26 (8) if applicable, a statement that the operator or
27 seller reserves the right to substitute a prize, gift, or other

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1 benefit of equal value for the prize, gift, or other benefit awarded
2 if the item is not available to the operator or seller after the
3 purchaser or prospect has complied with the provisions of the
4 promotion.

5 ARTICLE 10. EFFECTIVE DATE

6 SECTION 10.01. This Act takes effect September 1, 2025.