

- SUBJECT:** Non-substantive recodification of Family Code marriage laws
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, with amendment
- VOTE:** 9 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, A. Reyna, Smith, Williams
- 0 nays
- WITNESSES:** For — None
- Against — None
- On — John J. Sampson
- BACKGROUND :** In response to recommendations by the Joint Interim Committee on the Family Code, the 74th Legislature began the process of reorganizing the Family Code. HB 655 and HB 327, both by Goodman, made substantial changes to Titles 2 and 3 of the code and created a new Title 5. A new section numbering system was instituted in those titles. Titles 1 and 4 of the Family Code were not recodified during the 74th legislative session.
- DIGEST:** HB 400 would recodify Texas Family Code Title 1 *Husband and Wife*, relating to the marriage relationship. The recodification would be non-substantive, limited to reorganizing and renumbering the present text, and not change the meaning or intent of the present law. Family Code provisions relating to the appointment of a receiver in cases involving persons reported to be prisoners of war or missing in action would be moved to the Probate Code.
- HB 400 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house. Proceedings under the Family Code that were pending on the effective date would be governed by the law in effect at the time the proceeding was commenced, and the former law would be continued in effect for that purpose.

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NOTES: The committee amendment would correct technical errors in the introduced version.

The Senate passed the companion bill, SB 334 by Harris, by 31-0 on the Local and Uncontested Calendar on March 13. SB 334 was reported favorably, without amendment, by the House Juvenile Justice and Family Issues Committee on March 26, making it eligible to be considered in lieu of HB 400.