

BILL ANALYSIS

Senate Research Center
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S.B. 47
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, county clerks are required to submit marriage license data to the Bureau of Vital Statistics (bureau). However, the information does not have to be updated in real time and the current online database is only updated through 2004. This leaves county clerks without a mechanism to ensure that a marriage license is a valid document. As a result, individuals are obtaining multiple marriage licenses in the State of Texas and using those licenses for certain fraudulent purposes.

As proposed, S.B. 47 requires the bureau to create a real-time online database of marriage licenses so that county clerks will have the ability to share information among counties to prevent marriage fraud by ensuring that individuals are not receiving multiple licenses. This bill also requires county clerks to submit license information in a timely manner, and requires clerks to verify that an individual does not already have a marriage license before issuing said license.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 6 (Section 194.003(d), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.004(b), Family Code, as follows:

(b) Requires an application form for a marriage license to contain printed boxes for each applicant to check "true" or "false" in response to certain statements relating to an applicant's marital status under the laws of this state or any other jurisdiction, immigration laws, and consideration of any kind of for marrying the other applicant for certain purposes, and spaces for each applicant to indicate whether the applicant has ever been party to a divorce or an annulment of a marriage.

SECTION 2. Amends Section 2.007, Family Code, to make conforming changes.

SECTION 3. Amends 2.009(b), Family Code, to make conforming changes.

SECTION 4. Amends Subchapter A, Chapter 2, Family Code, by adding Section 2.0125, as follows:

Sec. 2.0125. PROSECUTION FOR AGGRAVATED PERJURY. Specifies that a marriage license applicant who provides false information under Sections 2.004 (Application Form) and 2.007 (Affidavit of Absent Application), Family Code, is subject to prosecution for aggravated perjury under Section 37.03 (Aggravated Perjury), Penal Code.

SECTION 5. Amends Section 194.001(a), Health and Safety Code, by including absent marriage applicant affidavits as documents required to be filed with the Bureau of Vital Statistics (bureau) by the county clerk.

SECTION 6. Amends Section 194.003, Health and Safety Code, by adding Subsections (c) and (d), as follows:

(c) Requires the bureau to make available on its Internet website indexes of all currently recorded instances of marriage licenses, declarations of informal marriages, divorces, and annulments. Requires the bureau, to the extent practicable using certain fees to enhance the search capabilities of its database of certain information and to ensure that the indexes are accurate, up-to-date, and easily accessible.

(d) Requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules for the administration of this section.

SECTION 7. Amends Section 118.018, Local Government Code, by adding Subsection (d) to require a county clerk, in addition to other fees collected under this section, to collect from a marriage license applicant a fee not to exceed \$5 to be sent to the bureau for updating, developing, and maintaining the state index of marriage license applications and declarations of informal marriage and the state index of reports of divorces or annulments of marriage under Section 194.003, Health and Safety Code.

SECTION 8. Amends Section 118.019, Local Government Code, as follows:

Sec. 118.019. DECLARATION OF INFORMAL MARRIAGE. (a) Creates this subsection from existing text.

(b) Requires a county clerk, in addition to certain other fees, to collect from parties to a declaration of informal marriage a fee not to exceed \$5 to be sent to the bureau for updating, developing, and maintaining the state index of marriage license applications and declarations of informal marriage and the state index of reports of divorces or annulments of marriage under Section 194.003, Health and Safety Code.

SECTION 9. Amends Section 118.022(a), Local Government Code, to exempt certain fees from those required to be sent to the comptroller of public accounts and deposited in the child abuse and neglect prevention trust fund.

SECTION 10. Makes application of certain changes to the questions on the marriage application or declaration of informal marriage as added by this Act, prospective.

SECTION 11. Requires that the executive commissioner of HHSC adopt rules for the administration of Section 194.002, as required by this Act, as soon as practicable after the effective date of this Act.

SECTION 12. Makes application of certain fees as added by this Act prospective.

SECTION 13. Effective date: September 1, 2007.