

BILL ANALYSIS

Senate Research Center
82R21094 KSD-D

C.S.S.B. 1159
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Jurisprudence
4/14/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under Section 6.303 (Absence on Public Service), Family Code, time spent by a Texas domiciliary outside this state or outside the county of residence of the domiciliary while in the service of the armed forces or other service of the United States or this state is considered residence in this state and in that county for purposes of filing for divorce. Problems arise when the spouse of that public servant (particularly military personnel) was a domiciliary of Texas at the time of marriage, but has since moved with his/her spouse under orders to do so, and cannot file divorce in Texas due the provisions of 6.303 not specifically applying to a military spouse.

C.S.S.B. 1159 amends current law relating to an exception to the residency requirements for filing a suit for dissolution of a marriage in this state for certain spouses of military personnel.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 6.303 and 6.304, Family Code, as follows:

Sec. 6.303. ABSENCE ON PUBLIC SERVICE. Provides that time spent by a Texas domiciliary outside this state or outside the county of residence of the domiciliary while in the service of the armed forces or other service of the United States or of this state, or while accompanying the domiciliary's spouse in the spouse's service of the armed forces or other service of the United States or of this state, is considered residence in this state and in that county.

Sec. 6.304. ARMED FORCES PERSONNEL NOT PREVIOUSLY RESIDENTS. Provides that a person not previously a resident of this state who is serving in the armed forces of the United States and has been stationed at one or more military installations in this state for at least the last six months and at a military installation in a county of this state for at least the last 90 days, or who is accompanying the person's spouse during the spouse's military service in those locations and for those periods, is considered to be a Texas domiciliary and a resident of that county for those periods for the purpose of filing suit for dissolution of a marriage.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2011.