

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1317
By: Whitmire
Jurisprudence
4/17/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a federal court judge or magistrate is authorized to conduct marriage ceremonies. C.S.S.B. 1317 also allows retired federal court judges and magistrates to perform marriage ceremonies.

C.S.S.B. 1317 amends current law relating to persons authorized to perform a marriage ceremony.

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 Section 2.202, Family Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Provides that the following persons are authorized to perform a marriage ceremony:

(1)-(2) Makes no changes to these subdivisions;

(3) Makes a nonsubstantive change;

(4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, or judge or magistrate of a federal court of this state; and

(5) a retired judge or magistrate of a federal court of this state.

(b) Provides that, for the purposes of Subsection (a)(4), a retired judge or justice is a former judge or justice who is vested in the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two or has an aggregate or at least 12 years of service as a judge or justice of any type listed in Subsection (a)(4).

(b-1) Provides that, for the purposes of Subsection (a)(5), a retired judge or magistrate is a former judge or magistrate of a federal court of this state who is fully vested in the Federal Employees Retirement System under 28 U.S.C. Section 371 or 377.

SECTION 2. Makes application of the change in law made by this Act prospective.

SECTION 3. Effective date: September 1, 2013.