

1 AN ACT

2 relating to the issuance of a marriage license to applicants who are  
3 unable to personally appear before the county clerk.

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

5 SECTION 1. Section 2.006, Family Code, is amended by adding  
6 Subsection (c) to read as follows:

7 (c) Notwithstanding Subsection (a), the clerk may not issue  
8 a marriage license for which both applicants are absent unless the  
9 person applying on behalf of each absent applicant provides to the  
10 clerk an affidavit of the applicant declaring that the applicant  
11 is:

12 (1) on active duty as a member of the armed forces of  
13 the United States or the state military forces; or

14 (2) confined in a correctional facility, as defined by  
15 Section 1.07, Penal Code.

16 SECTION 2. This Act takes effect September 1, 2005.

17 SECTION 3. The change in law made by this Act applies only  
18 to an application for a marriage license submitted on or after the  
19 effective date of this Act. An application for a marriage license  
20 submitted before the effective date of this Act is governed by the  
21 law in effect on the date the application was submitted, and the  
22 former law is continued in effect for that purpose.

David Swihurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 858 was passed by the House on April 22, 2005, by a non-record vote.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 858 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Daisy Spaw  
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:15 AM O'CLOCK

Roger Williams  
Secretary of State