

BILL ANALYSIS

C.S.H.B. 93
By: Krause
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties claim that the increase in divorces granted without regard to fault has had a detrimental effect on Texas marriages. The goal of C.S.H.B. 93 is to revise the conditions under which a court may grant a divorce on grounds of insupportability and to encourage couples to attempt to reconcile their differences before entering the court system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 93 amends the Family Code to add as a condition that must be met for a court to grant a divorce without regard to fault that both parties to the marriage agree to the grant of a divorce on the grounds of insupportability.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 93 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 6.001, Family Code, is repealed.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 6.001, Family Code, is amended to read as follows:
Sec. 6.001. INSUPPORTABILITY. On the petition of either party to a marriage, the court may grant a divorce without regard to fault if:
(1) the marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marital

relationship and prevents any reasonable expectation of reconciliation; and
(2) both parties to the marriage agree to the grant of a divorce under this section.

SECTION 2. The change in law made by this Act by the repeal of Section 6.001, Family Code, applies only to a suit for dissolution of a marriage that is filed on or after the effective date of this Act. A suit for dissolution of a marriage filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 2. The change in law made by this Act applies only to a suit for divorce that is filed on or after the effective date of this Act. A suit for divorce filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.