

BILL ANALYSIS

Senate Research Center

H.B. 891
By: Hartnett (Harris)
Jurisprudence
5-14-97
Engrossed

DIGEST

In June of 1996, a state district judge in Harris County dismissed statutory rape charges against a 22-year-old man for impregnating a 13-year-old girl. This judge ruled that the couple were common-law married and that sex between the two was therefore legal. The Family Code permits formal marriages by girls between the ages of 14 and 17 only with a parent's written consent. The 1996 court ruling, however, together with other legal precedent, allows a child between the ages of 13 and 17 to enter into a common-law marriage without parental consent. This bill will provide new regulations regarding the age of a person who may be married without formalities.

PURPOSE

As proposed, H.B. 891 provides new regulations regarding the age of a person who may be married without formalities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.401, Family Code, by adding Subsection (c), to prohibit a person under 18 years of age from being a party to an informal marriage or executing a declaration of informal marriage under Section 2.402.

SECTION 2. Amends Section 2.404(b), Family Code, to prohibit the county clerk from certifying or recording the declaration if either party is under 18, rather than 16, years of age. Deletes an existing provision regarding waiver of the age requirement.

SECTION 3. Amends Section 6.101(a), Family Code, to delete a reference to an informal marriage.

SECTION 4. Repealer: Section 2.402(c), Family Code (Regarding consent of parent to marriage of minor).

SECTION 5. Provides that this Act takes effect only if S.B. 334, 75th Legislature, Regular Session, becomes law. Provides that if that legislation does not become law, this Act has no effect.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Emergency clause.
Effective date: upon passage.