

BILL ANALYSIS

Senate Research Center

H.B. 72
By: Guillen et al. (Zaffirini)
Jurisprudence
5/8/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to eliminate the 60-day waiting period before a divorce is granted in cases where a spouse has been convicted of an act of family violence against the petitioner or the petitioner has obtained a protective order against the other spouse for an act of family violence against the petitioner or a member of the petitioner's household.

H.B. 72 amends current law relating to the waiting period for issuing a decree in certain suits for divorce.

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 6.702, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Creates an exception under Subsection (c).

(c) Provides that a waiting period is not required under Subsection (a) before a court is authorized to grant a divorce in a suit in which the court finds that the respondent has been finally convicted of or received deferred adjudication for an offense involving family violence as defined by Section 71.004 (Family Violence) against the petitioner or a member of the petitioner's household; or the petitioner has obtained a protective order under Title 4 (Protective Orders and Family Violence) or a magistrate's order for emergency protection under Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure, against the respondent because of family violence committed during the marriage and there has been a judicial determination that the respondent has violated that order.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.