

## **BILL ANALYSIS**

Senate Research Center  
82R4936 KSD-F

S.B. 723  
By: Williams  
Jurisprudence  
2/28/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3666, 81st Legislature, Regular Session, 2009, allowed applicants for a marriage license to use an original or certified copy of a court order relating to the applicant's name change or sex change.

In a 1999 decision, *Littleton v. Prange*, by the Fourth Texas Court of Appeals in San Antonio, Chief Justice Phil Hardberger concluded that an individual's sex is decided by biological factors at birth, as indicated on a birth certificate. In Chief Justice Hardberger's opinion regarding the transsexual marriage between two male born men, he stated, "We hold, as a matter of law, that Christie Littleton is a male. As a male, Christie cannot be married to another male. Her marriage to Jonathon was invalid...".

S.B. 723 amends Section 2.005(b), Family Code, by removing "or sex change" in reference to documents acceptable in proving an applicant's identity for obtaining a marriage license.

As proposed, S.B. 723 amends current law relating to the proof of an applicant's identity and age required for the issuance of a marriage license.

### **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 2.005(b), Family Code, to delete existing text requiring that proof of identity be established by an original or certified copy of a court order relating to the applicant's sex change.

SECTION 2. Makes application of this Act to an application for a marriage license submitted to a county clerk, prospective.

SECTION 3. Effective date: September 1, 2011.