

BILL ANALYSIS

Senate Research Center
87R14478 MLH-D

H.B. 451
By: Moody (Blanco)
Jurisprudence
5/17/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Family Code spells out each category of judge who may perform a marriage ceremony. This has created an issue over the years as new types of judgeships are created; for example, criminal magistrates are currently not allowed to perform marriages. This has precluded some types of judges from exercising the authority that all judges have historically been granted and made it necessary for legislation to periodically add new judges to the list.

H.B. 451 amends the Family Code to replace provisions listing certain judges, justices, and magistrates authorized to conduct a marriage ceremony with a provision authorizing such a ceremony to be conducted by a current, former, or retired federal judge or state judge. The bill defines those terms by reference to the Tax Code provisions relating to the confidentiality of home address information contained in appraisal records. Under H.B. 451, all judges who can currently perform a marriage ceremony will continue to have that authority, and new judges will be added.

H.B. 451 amends current law relating to persons authorized to conduct a marriage ceremony.

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 Sections 2.202(a) and (b), Family Code, as follows:

(a) Provides that the following persons are authorized to conduct a marriage ceremony:

(1) and (2) makes no changes to these subdivisions;

(3) makes a nonsubstantive change to this subdivision; and

(4) a current, former, or retired federal judge or state judge. Deletes existing text listing specific titles of judges.

(b) Defines "federal judge" and "state judge" for the purposes of Subsection (a)(4).

SECTION 2. Repealer: Section 2.202(b-1) (relating to the definition of a retired judge or magistrate), Family Code.

SECTION 3. Effective date: September 1, 2021.