

BILL ANALYSIS

Senate Research Center
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S.B. 907
By: Perry
Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the COVID-19 pandemic, many county clerk offices closed their doors or imposed restrictions that limited the number of people that could appear in person at one time. While this created a number of challenges, it was particularly problematic for couples that wanted to apply for a marriage license. Current law requires that each person applying for a marriage license must appear before the county clerk. For many people this meant they could not apply for and be issued a marriage license. In essence, if couples could not physically appear before the county clerk then they could not obtain a marriage license.

S.B. 907 will allow county clerks to voluntarily become certified to issue marriage licenses to applicants through the use of remote technology. If a county clerk becomes certified, couples will be able to apply for a marriage license using remote technology and they will be considered to have appeared before the county clerk as required by statute. This bill will also allow the certified county clerk to issue marriage licenses to couples through the use of remote technology after they have applied.

As proposed, S.B. 907 amends current law relating to the application for and issuance of a marriage license through the use of remote technology.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 2 (Section 71.039, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 2, Family Code, by adding Section 2.0091, as follows:

Sec. 2.0091. APPLICATION FOR AND ISSUANCE OF LICENSE THROUGH REMOTE TECHNOLOGY. (a) Provides that this section applies only in a county in which the county clerk has been certified by the Texas Judicial Council under Section 71.039, Government Code, to issue a marriage license through the use of remote technology.

(b) Provides that in a county to which this section applies:

(1) a person who applies for a marriage license through the use of remote technology is considered to have appeared before the court for purposes of Subchapter A (Application for Marriage License); and

(2) the county clerk may issue a marriage license through the use of remote technology only in accordance with the procedures adopted by the Texas Judicial Council under Section 71.039, Government Code.

SECTION 2. Amends Subchapter C, Chapter 71, Government Code, by adding Section 71.039, as follows:

Sec. 71.039. PROCEDURES FOR ISSUANCE OF MARRIAGE LICENSE THROUGH REMOTE TECHNOLOGY. Requires the Texas Judicial Council, in consultation with the Department of State Health Services, to by rule develop and implement a voluntary certification process under which a county clerk may be certified to issue a marriage license to applicants through the use of remote technology in accordance with procedures adopted by the Texas Judicial Council. Requires that the procedures adopted by the Texas Judicial Council ensure sufficient verification of each applicant's age and identity to prevent fraud.

SECTION 3. Requires the Texas Judicial Council, not later than January 1, 2022, to adopt the rules necessary to implement Section 71.039, Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2021.