

SENATE AMENDMENTS

2nd Printing

By: Dutton

H.B. No. 2240

A BILL TO BE ENTITLED

AN ACT

relating to certain void marriages.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6.202(b), Family Code, is amended to read as follows:

(b) The later marriage that is void under this section becomes valid when the prior marriage is dissolved if, after the date of the dissolution, the parties have lived together as husband and wife and represented themselves to others as being married, unless a putative spouse:

(1) did not know that the later marriage was entered into when the other party had an existing marriage;

(2) has not lived together with the other party as spouses or represented himself or herself as married since the date the putative spouse knew the later marriage was entered into when the other party had an existing marriage; and

(3) files a suit to declare the later marriage void not later than the 30th day after the date the putative spouse knew that the later marriage was entered into when the other party had an existing marriage.

SECTION 2. Chapter 9, Family Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. DECLARING A DECREE VOID

Sec. 9.401. LACK OF JURISDICTION. (a) A decree of divorce

1 or annulment is void if the court rendering the decree lacked
2 jurisdiction at the time the decree was rendered.

3 (b) A putative spouse may file a suit to declare a decree of
4 divorce or annulment void under Subsection (a).

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2025.

ADOPTED

MAY 27 2025

FLOOR AMENDMENT NO. 1

Lately Law
Secretary of the Senate

BY: *Bidwell*

1 Amend H.B. No. 2240 (senate committee report) as follows:

2 (1) Strike the recital to SECTION 1 of the bill (page 1,
3 lines 24 and 25) and substitute the following:

4 SECTION 1. Section 6.202, Family Code, is amended by
5 amending Subsection (b) and adding Subsection (c) to read as
6 follows:

7 (2) In SECTION 1 of the bill, strike added Section
8 6.202(b)(3), Family Code (page 1, lines 37 through 40), and
9 substitute the following:

10 (3) files a suit to declare the later marriage void not
11 later than:

12 (A) the 30th day after the date the putative
13 spouse knew that the later marriage was entered into when the other
14 party had an existing marriage, unless the putative spouse is a
15 person described by Paragraph (B); or

16 (B) the 90th day after the date the putative
17 spouse knew that the later marriage was entered into when the other
18 party had an existing marriage, if the putative spouse:

19 (i) is serving on active duty as a member of
20 the United States armed forces;

21 (ii) is a member of the Texas military
22 forces, as defined by Section 437.001, Government Code, and:

23 (a) is actively deployed on federal
24 orders outside the United States; or

25 (b) is on state active duty performing
26 emergency response activities for this state; or

27 (iii) is in active service outside the
28 United States as a foreign officer employed by the United States
29 Department of State.

1 (c) Notwithstanding any other law or rule, if a putative
2 spouse files a suit to declare the marriage void under Subsection
3 (b)(3), a respondent spouse may file an answer on or before the 90th
4 day after the date the respondent spouse is served if the respondent
5 spouse:

6 (1) is serving on active duty as a member of the United
7 States armed forces;

8 (2) is a member of the Texas military forces, as
9 defined by Section 437.001, Government Code, and:

10 (A) is actively deployed on federal orders
11 outside the United States; or

12 (B) is on state active duty performing emergency
13 response activities for this state; or

14 (3) is in active service outside the United States as a
15 foreign officer employed by the United States Department of State.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 28, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2240 by Dutton (Relating to certain void marriages.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, WP, NPe, KDw, JPa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 23, 2025

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2240 by Dutton (Relating to certain void marriages.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, WP, NPe, KDw, JPa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 17, 2025

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2240 by Dutton (relating to certain void marriages.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, KDw, JPa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 3, 2025

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2240 by Dutton (Relating to certain void marriages.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, KDw, JPa