

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

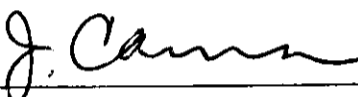
5/28/2009
Date

Honorable David Dewhurst
President of the Senate

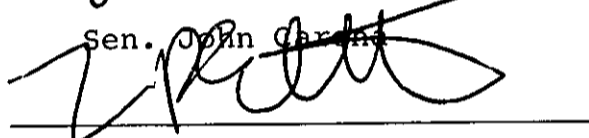
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

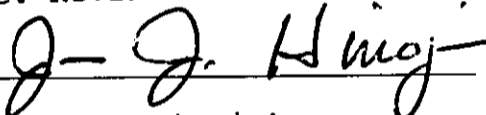
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 72 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



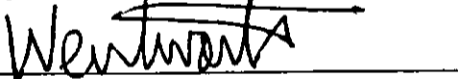
Sen. John Carona




Se. Kevin Eltife



Se. Juan Hinojosa



Sen. Jeff Wentworth



On the part of the Senate

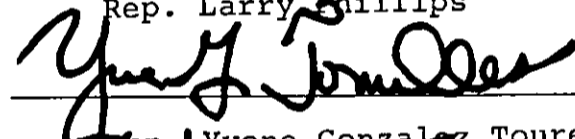
Sen. Judith Zaffirini



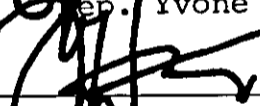
Rep. Ryan Guillen



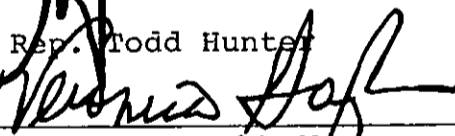
Rep. Larry Phillips



Rep. Yvone Gonzalez Toureilles



Rep. Todd Hunter



On the part of the House

Rep. Veronica Gonzalez

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 72

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the waiting period for issuing a decree in certain suits
3 for divorce.

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

5 SECTION 1. Section 6.702, Family Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) Except as provided by Subsection (c), the [The] court
9 may not grant a divorce before the 60th day after the date the suit
10 was filed. A decree rendered in violation of this subsection is not
11 subject to collateral attack.

12 (c) A waiting period is not required under Subsection (a)
13 before a court may grant a divorce in a suit in which the court finds
14 that:

15 (1) the respondent has been finally convicted of or
16 received deferred adjudication for an offense involving family
17 violence as defined by Section 71.004 against the petitioner or a
18 member of the petitioner's household; or

19 (2) the petitioner has an active protective order
20 under Title 4 or an active magistrate's order for emergency
21 protection under Article 17.292, Code of Criminal Procedure, based
22 on a finding of family violence, against the respondent because of
23 family violence committed during the marriage.

24 SECTION 2. The change in law made by this Act applies only

1 to a suit for dissolution of a marriage filed on or after the
2 effective date of this Act. A suit for dissolution of a marriage
3 filed before the effective date of this Act is governed by the law
4 in effect on the date the suit was filed, and the former law is
5 continued in effect for that purpose.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.

House Bill 72
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 6.702, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to allow a court to grant a divorce before the end of the 60-day waiting period in a suit in which the court finds that (1) the respondent has been finally convicted of or received deferred adjudication for an offense involving family violence against the petitioner or a member of the petitioner's household or (2) the petitioner *has obtained* a protective order or a magistrate's order for emergency protection 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. Savings provision.

SECTION 3. Effective date.

SENATE VERSION

SECTION 1. Same as House version, except in Subdivision (2) deletes the requirement for there to have been a judicial determination that the respondent has violated the protective order or the magistrate's order for emergency protection.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE

SECTION 1. Same as Senate version, with the same deletion in Subdivision (2), except requires in Subdivision (2) that the petitioner *have* an *active* protective order or an *active* magistrate's order and requires additionally that the order be based on a finding of family violence.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB72 by Guillen (Relating to the waiting period for issuing a decree in certain suits for divorce.), Conference Committee Report

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB, TP

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 72 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Jan Guillea
(name)

5/25/09
(date)