

SUBJECT: Offense for preventing execution of service

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Place, Talton, Greenberg, Nixon, Pickett, Pitts, Solis
0 nays
2 absent — Farrar, Hudson

WITNESSES: None

BACKGROUND: The 73rd Legislature recodified the Penal Code in 1993 and inadvertently left out the section of the law that prohibits a person from preventing the execution of any process. This has created a problem in that some employers, out of loyalty to their employees, will not allow a process server in the building to serve process.

DIGEST: HB 2331 would add Section 38.16 to the Penal Code to create a Class C misdemeanor offense (maximum penalty of \$500), for intentionally or knowingly preventing the execution of any process in a civil cause, by words or physical action.

This section would not apply to persons evading service of process by avoiding detection. The bill would take effect September 1, 1995.