

BILL ANALYSIS

H.B. 1012
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that while a justice court has broad jurisdiction it might not have the appropriate context and understanding of situations involving individuals who are parties in certain suits and decrees as the court in which the suit is pending. It has been suggested that the court in which a suit relating to the marriage relationship is pending or the court having jurisdiction of a divorce or annulment action may be the more appropriate court to grant an individual access to a residence to retrieve specific items of personal property while accompanied by a peace officer. H.B. 1012 seeks to address this issue and provide those courts the ability to grant a person access to a residence or former residence to retrieve certain personal property.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1012 amends the Property Code to require a person applying for a writ authorizing the person to enter their residence or former residence accompanied by a peace officer in order to retrieve specific items of personal property to apply to the following courts:

- the court in which the suit is pending, if the person and the current occupant are parties to a pending suit relating to the marriage relationship;
- the court having jurisdiction of the divorce or annulment action, if the person's right to possession of the items described in the application is subject to a decree of divorce or annulment to which the person and the current occupant are parties; or
- a justice court, if neither condition applies.

The bill requires an application for such a writ to certify whether, to the best of the applicant's knowledge, either of those conditions applies. The bill includes the following among the types of personal items located in the residence that an application may allege that the applicant or the applicant's dependent requires:

- assistance animals or service animals used by the applicant or dependent;
- wireless communication devices of the applicant or dependent; and
- tools, equipment, books, and apparatus used by the applicant in the applicant's trade or profession.

EFFECTIVE DATE

September 1, 2021.