

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2364
By: Hughes
State Affairs
4/11/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2364 amends Section 31.002, Civil Practice and Remedies Code, which pertains to the collection of a judgment through court proceedings, to include justice courts as a court of appropriate jurisdiction.

Currently, consumer attorneys argue that justice courts are excluded from Section 31.002, Civil Practice and Remedies Code, because they are not specifically distinguished in the statute. Presently, less than 50 percent of Texas justice court judges will allow for this enforcement remedy, and given that most justice court judges (90 percent or more) are not attorneys, they are ill-equipped to work through the ambiguities of the relevant statutes.

S.B. 2364 seeks to revise Section 31.002, Civil Practice and Remedies Code, to clarify that a justice court judge's inherent power extends to the appointment of a receiver. Moreover, a justice court may fulfill its obligation to aid the judgment creditor in obtaining satisfaction on a judgment. Without such aid, a judgment becomes merely an administrative act. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2364 amends current law relating to the collection of certain judgments through court proceeding.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.002(a), Civil Practice and Remedies Code, to include a justice court among the courts of appropriate jurisdiction from which a judgment creditor is entitled to aid through injunction or other means in order to reach property to obtain satisfaction on the judgment if the judgment debtor owns property, including present or future rights to property, that is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.

SECTION 2. Provides that the change in law made by this Act applies to the collection of any judgment, regardless of whether the judgment was entered before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2019.