

By: Manuel, Plesa, Davis, Hull, Howard,  
et al.

H.B. No. 2094

Substitute the following for H.B. No. 2094:

By: Dutton

C.S.H.B. No. 2094

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a court order for the exclusive occupancy of the primary  
3 residence by a spouse during the pendency of a suit for dissolution  
4 of a marriage.

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

6 SECTION 1. Section 6.502, Family Code, is amended by  
7 amending Subsection (a) and adding Subsections (d), (e), and (f) to  
8 read as follows:

9 (a) While a suit for dissolution of a marriage is pending  
10 and on the motion of a party or on the court's own motion after  
11 notice and hearing, the court may render an appropriate order,  
12 including the granting of a temporary injunction for the  
13 preservation of the property and protection of the parties as  
14 deemed necessary and equitable and including an order directed to  
15 one or both parties:

16 (1) requiring a sworn inventory and appraisal of  
17 the real and personal property owned or claimed by the parties and  
18 specifying the form, manner, and substance of the inventory and  
19 appraisal and list of debts and liabilities;

20 (2) requiring payments to be made for the support of  
21 either spouse;

22 (3) requiring the production of books, papers,  
23 documents, and tangible things by a party;

24 (4) ordering payment of reasonable attorney's fees and

1 expenses;

2 (5) appointing a receiver for the preservation and  
3 protection of the property of the parties;

4 (6) awarding one spouse exclusive occupancy of the  
5 primary residence or other residential property during the pendency  
6 of the case;

7 (7) prohibiting the parties, or either party, from  
8 spending funds beyond an amount the court determines to be for  
9 reasonable and necessary living expenses;

10 (8) awarding one spouse exclusive control of a party's  
11 usual business or occupation; or

12 (9) prohibiting an act described by Section 6.501(a).

13 (d) While a suit for dissolution of a marriage is pending  
14 and on the motion of a party, the court shall render an appropriate  
15 order awarding the party exclusive occupancy of the primary  
16 residence during the pendency of the suit under Subsection (a)(6)  
17 if the adverse party has, during the pendency of the suit or in the  
18 three-year period preceding the date the suit was filed, been  
19 convicted of or placed on deferred adjudication community  
20 supervision for:

21 (1) a felony offense under Title 5, Penal Code, for  
22 which the court has made an affirmative finding that the offense  
23 involved family violence under Article 42.013, Code of Criminal  
24 Procedure, that was committed against the party filing the motion  
25 or a member of that party's family or household; or

26 (2) an offense under Section 25.11, Penal Code,  
27 committed against the party filing the motion or a member of that

1 party's family or household.

2 (e) A party that has been awarded exclusive occupancy of the  
3 primary residence under Subsection (d) may file a motion to vacate  
4 that order at any time during the pendency of the suit.

5 (f) In this section:

6 (1) "Family" has the meaning assigned by Section  
7 [71.003](#).

8 (2) "Household" has the meaning assigned by Section  
9 [71.005](#).

10 SECTION 2. The change in law made by this Act applies to a  
11 suit for dissolution of a marriage that is pending in a trial court  
12 on the effective date of this Act or that is filed on or after the  
13 effective date of this Act.

14 SECTION 3. This Act takes effect September 1, 2023.