

BILL ANALYSIS

S.B. 439
By: Gallegos
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law does not require that defendants be warned on the citation that their failure to respond may cause a default judgment to be set against them. Defendants in a lawsuit to recover possession of premises are having default judgments set against them because such defendants do not realize that by not responding to the citation, a lawsuit will persist and a default judgment will be set against them. As proposed, S.B. 439 requires that a citation in a lawsuit to recover possession of premises, to warn defendants of the following: "FAILURE TO APPEAR FOR TRIAL MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST YOU."

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 24.0051, Property Code, by adding Subsection (c), to require the citation required by Rule 739 (Citation), Texas Rules of Civil Procedures, in a suit to recover possession of the premises, whether or not unpaid rent is claimed, to include the following notice to the defendant:

FAILURE TO APPEAR FOR TRIAL MAY RESULT IN A DEFAULT JUDGMENT
BEING ENTERED AGAINST YOU.

SECTION 2. Makes application of this Act prospective.

EFFECTIVE DATE

SECTION 3. Effective date: September 1, 2005.