

1-1 By: Ellis S.B. No. 464
1-2 (In the Senate - Filed February 10, 2005; February 22, 2005,
1-3 read first time and referred to Committee on Government
1-4 Organization; March 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 March 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 464 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the duration of judgment liens in favor of the state.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 52.006, Property Code, is amended to
1-13 read as follows:

1-14 Sec. 52.006. DURATION OF LIEN. (a) Except as provided by
1-15 Subsection (b), a [A] judgment lien continues for 10 years
1-16 following the date of recording and indexing the abstract, except
1-17 that if the judgment becomes dormant during that period the lien
1-18 ceases to exist.

1-19 (b) Notwithstanding Section 34.001, Civil Practice and
1-20 Remedies Code, a judgment in favor of the state or a state agency,
1-21 as that term is defined by Section 403.055, Government Code, does
1-22 not become dormant. A properly filed abstract of the judgment
1-23 continues to constitute a lien under Section 52.001 until the
1-24 judgment is satisfied or the lien is released.

1-25 SECTION 2. The change in law made by this Act applies to:

1-26 (1) a judgment, if the judgment is not then dormant,
1-27 that exists on the effective date of this Act;

1-28 (2) a judgment lien on record before the effective
1-29 date of this Act; or

1-30 (3) a judgment entered or abstract of judgment
1-31 recorded and indexed on or after the effective date of this Act.

1-32 SECTION 3. This Act takes effect immediately if it receives
1-33 a vote of two-thirds of all the members elected to each house, as
1-34 provided by Section 39, Article III, Texas Constitution. If this
1-35 Act does not receive the vote necessary for immediate effect, this
1-36 Act takes effect September 1, 2005.

1-37 * * * * *