

By: Duncan

S.B. No. 2324

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the classification of certain types of marital property
3 in regards to claims for payment of a criminal restitution
4 judgment.

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

6 SECTION 1. Section 3.202, Family Code, is amended by adding
7 Subsection (e) to read as follows:

8 (e) For purposes of this section, all retirement
9 allowances, annuities, accumulated contributions, optional
10 benefits, and money in the various public retirement system
11 accounts of this state are community property subject to the
12 participating spouse's sole management, control, and disposition
13 and are not subject to any claim for payment of a criminal
14 restitution judgment entered against the nonparticipant spouse
15 except to the extent of the nonparticipant spouse's interest as
16 determined in a qualified domestic relations order under Chapter
17 804, Government Code.

18 SECTION 2. This Act applies only to a claim for payment of a
19 criminal restitution judgment issued on or after the effective date
20 of this Act. A claim for payment of a criminal restitution judgment
21 issued before the effective date of this Act is governed by the law
22 as it existed immediately before the effective date of this Act, and
23 that law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2009.