

1-1 By: Duncan S.B. No. 2324
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 17, 2009, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 17, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the classification of certain types of marital property
1-9 in regards to claims for payment of a criminal restitution
1-10 judgment.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 3.202, Family Code, is amended by adding
1-13 Subsection (e) to read as follows:

1-14 (e) For purposes of this section, all retirement
1-15 allowances, annuities, accumulated contributions, optional
1-16 benefits, and money in the various public retirement system
1-17 accounts of this state are community property subject to the
1-18 participating spouse's sole management, control, and disposition
1-19 and are not subject to any claim for payment of a criminal
1-20 restitution judgment entered against the nonparticipant spouse
1-21 except to the extent of the nonparticipant spouse's interest as
1-22 determined in a qualified domestic relations order under Chapter
1-23 804, Government Code.

1-24 SECTION 2. This Act applies only to a claim for payment of a
1-25 criminal restitution judgment issued on or after the effective date
1-26 of this Act. A claim for payment of a criminal restitution judgment
1-27 issued before the effective date of this Act is governed by the law
1-28 as it existed immediately before the effective date of this Act, and
1-29 that law is continued in effect for that purpose.

1-30 SECTION 3. This Act takes effect September 1, 2009.

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