

BILL ANALYSIS

H.B. 2094
By: Thompson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Civil Practice and Remedies Code defines a foreign judgment as a judgment, decree, or order of a court of the United States or of any other court that is entitled to full faith and credit in the State of Texas. Observers note that at the time a foreign judgment is filed, the judgment creditor or the judgment creditor's attorney must file with the clerk of the court an affidavit showing the name and last known postal address of the judgment debtor and creditor and that the clerk must promptly mail notice of the filing of the foreign judgment to the judgment debtor at the address given, noting the mailing on the court's docket sheet. Interested parties note that legislation is needed to require the judgment creditor or the judgment creditor's attorney, rather than the court clerk, to mail notice to the judgment debtor. H.B. 2094 seeks to address matters relating to notice to a judgment debtor of the filing of a foreign judgment.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2094 amends the Civil Practice and Remedies Code, in a provision regarding a notice of filing an affidavit showing the name and address of a foreign judgment debtor and the judgment creditor, to require the judgment creditor or the judgment creditor's attorney, rather than the clerk of the court, to mail notice of the filing to the judgment debtor at the address provided in the affidavit and to file proof of mailing of the notice with the clerk of the court. The bill requires the clerk, on receipt of proof of mailing, to note the mailing in the docket.

H.B. 2094 repeals Section 35.005, Civil Practice and Remedies Code, relating to an alternate notice of filing by a judgment creditor.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.