

1-1 By: Thompson (Senate Sponsor - Harris) H.B. No. 908
1-2 (In the Senate - Received from the House April 18, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Jurisprudence; May 6, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 6, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 908 By: Harris

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

1-10 relating to the division of community property on dissolution of
1-11 marriage.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 7, Family Code, is amended by adding
1-14 Section 7.009 to read as follows:

1-15 Sec. 7.009. FRAUD ON THE COMMUNITY; DIVISION AND
1-16 DISPOSITION OF RECONSTITUTED ESTATE. (a) In this section,
1-17 "reconstituted estate" means the total value of the community
1-18 estate that would exist if an actual or constructive fraud on the
1-19 community had not occurred.

1-20 (b) If the trier of fact determines that a spouse has
1-21 committed actual or constructive fraud on the community, the court
1-22 shall:

1-23 (1) calculate the value by which the community estate
1-24 was depleted as a result of the fraud on the community and calculate
1-25 the amount of the reconstituted estate; and

1-26 (2) divide the value of the reconstituted estate
1-27 between the parties in a manner the court deems just and right.

1-28 (c) In making a just and right division of the reconstituted
1-29 estate under Section 7.001, the court may grant any legal or
1-30 equitable relief necessary to accomplish a just and right division,
1-31 including:

1-32 (1) awarding to the wronged spouse an appropriate
1-33 share of the community estate remaining after the actual or
1-34 constructive fraud on the community;

1-35 (2) awarding a money judgment in favor of the wronged
1-36 spouse against the spouse who committed the actual or constructive
1-37 fraud on the community; or

1-38 (3) awarding to the wronged spouse both a money
1-39 judgment and an appropriate share of the community estate.

1-40 SECTION 2. The change in law made by this Act applies to a
1-41 suit for dissolution of a marriage pending before a trial court on
1-42 or filed on or after the effective date of this Act.

1-43 SECTION 3. This Act takes effect September 1, 2011.

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