

BILL ANALYSIS

H.B. 2595
By: Parker
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas law currently exempts a certain amount of specified personal property from garnishment, attachment, execution or other forms of ordered seizure by creditors to ensure that an individual or family under a seizure order does not lose all assets to the order. Interested parties have observed, however, that the general personal property exemption thresholds established in statute also apply to offenders under a court order to pay restitution to a crime victim. Concern has been raised over the entitlement of such convicted criminals to these same general personal property exemptions when restitution to crime victims is at stake. H.B. 2595 seeks to address this concern by decreasing the aggregate fair market value of certain personal property that is exempt from seizure in an action to enforce an order of restitution to a crime victim.

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. 2595 amends the Property Code to exempt certain personal property, in an action to enforce an order of crime victim restitution against a defendant convicted of an offense, from garnishment, attachment, execution, or other seizure if such property is provided for a family and has an aggregate fair market value of not more than \$20,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property. The bill also exempts such personal property if the property is owned by a single adult, who is not a member of a family, and has an aggregate fair market value of not more than \$10,000, exclusive of the amount of any liens, security interests, or other charges encumbering the property.

EFFECTIVE DATE

September 1, 2013.