

BILL ANALYSIS

C.S.H.B. 2918
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to allow parties that have been awarded a judgment but have been unsuccessful in attempts to collect the judgment to petition courts for assistance. Under state law, courts have the authority to appoint receivers to take possession of and sell certain property belonging to the judgment debtor in order to satisfy the judgment. C.S.H.B. 2918 seeks to entitle parties that have attempted to satisfy a judgment to a hearing with a court for further assistance and the appointment of a receiver unless the judgment debtor asserts an applicable exemption.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 2918 amends the Civil Practice and Remedies Code to entitle a judgment creditor, if the creditor has attempted to satisfy a judgment and the final money judgment remains unsatisfied, to a hearing on the creditor's motion for the court's assistance to reach property to obtain satisfaction on the judgment. If notice of the hearing is provided to the judgment debtor, the court must appoint a receiver with the authority to take possession of and sell nonexempt property to enforce the judgment unless the judgment debtor appears and asserts an applicable exemption. The bill authorizes the court to issue an order for the collection of applicable property to satisfy a judgment without requiring the judgment creditor to prove the existence of specific property.

C.S.H.B. 2918 applies to the collection of any judgment, regardless of whether the judgment was entered before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2918 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.