

BILL ANALYSIS

C.S.H.B. 3168
By: Leach
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Presently, only the issuance and attempted service of a writ of execution can renew a judgment in Texas. A renewal cannot occur when a turnover receiver is appointed. C.S.H.B. 3168 seeks to address this issue by bringing appointed turnover receivers in line with the law for a writ of execution, allowing judgments to remain valid if a receiver is appointed instead.

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. 3168 amends the Civil Practice and Remedies Code to establish that if a receiver is not appointed as an alternative to the issuance of a writ of execution within 10 years after the rendition of a judgment of a court of record or a justice court, the judgment is dormant and execution may not be issued on the judgment unless it is revived. In addition, the judgment becomes dormant if a second receiver is not appointed as an alternative to the issuance of a renewed writ of execution within 10 years after the appointment of the receiver or issuance of the writ, but authorizes a second receiver to be appointed or writ to be issued at any time within that 10-year period. The bill applies only to a judgment that is not dormant on the bill's effective date and was entered before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3168 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the introduced specified the time period within which an applicable judgment may be renewed with respect to 10 years after a subsequent or previous writ of execution is issued or a receiver is appointed, the substitute makes this specification with respect to 10 years after a first or second writ is issued.