

## **BILL ANALYSIS**

H.B. 4122  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that financial institutions, unlike other civil defendants, may be entitled to attorney's fees when filing an answer to a writ of garnishment even if the garnishor does not contest the answer and dismisses the garnishment action based solely on the answer. H.B. 4122 seeks to address these concerns by limiting the circumstances under which attorney's fees may be awarded to a financial institution that answers a writ of garnishment.

### **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**

H.B. 4122 amends the Finance Code to condition the authority of a court to award attorney's fees to a financial institution that timely files an answer to a writ of garnishment on the garnishor unsuccessfully contesting the answer.

### **EFFECTIVE DATE**

September 1, 2019.