

BILL ANALYSIS

Senate Research Center

S.C.R. 29
By: Brown
Jurisprudence
3-5-97
As Filed

DIGEST

Benita Fogarty, an employee of the Institutional Division of the Texas Department of Criminal Justice (division), was injured, while in that capacity, by Dean Lewis Glassbrook, an inmate in the custody of the division. Ms. Fogarty brought a legal action seeking damages from Mr. Glassbrook and obtained a judgment of \$25,000, plus interest and court costs, against him. Mr. Glassbrook maintains an inmate trust fund account under the authority of the division. Although the funds in the account belong to Mr. Glassbrook, it is considered property of the State of Texas and thus protected from suit by sovereign immunity. In order for Ms. Fogarty to garnish Mr. Glassbrook's inmate trust fund account she must obtain a legislative waiver of the state's immunity. Therefore, Ms. Fogarty seeks a writ of garnishment to encumber money in Mr. Glassbrook's inmate trust fund account to satisfy the judgment awarded to her.

PURPOSE

As proposed, S.C.R. 29 submits the following resolutions:

Grants permission to Benita Fogarty to sue the State of Texas and the Texas Department of Criminal Justice subject to Chapter 107, Civil Practice and Remedies Code.

Authorizes the action authorized by this concurrent resolution to be brought solely to encumber money held under the authority of the Texas Department of Criminal Justice in an inmate trust fund account to satisfy the judgment rendered for Benita Fogarty against Dean Lewis Glassbrook.

That the executive director of the Texas Department of Criminal Justice be served process as provided by Section 107.002(a)(3), Civil Practice and Remedies Code.