

BILL ANALYSIS

Senate Research Center

S.B. 1745
By: Jackson
Jurisprudence
4/19/1999
Committee Report (Amended)

DIGEST

Currently, Chapter 63, Civil Practice and Remedies Code, governs the procedures for garnishment in the enforcement of a judgment. If a writ of garnishment is served upon a garnishee and the garnishee does not answer, a default judgment may be entered against the garnishee, making the garnishee liable for the whole amount of the original judgment against the defendant. S.B. 1745 would establish provisions regarding the garnishment of an account.

PURPOSE

As proposed, S.B. 1745 establishes provisions regarding the garnishment of an account.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 63, Civil Practice and Remedies Code, by adding Section 63.007, as follows:

Sec. 63.007. GARNISHMENT OF ACCOUNT. Prohibits the amount of any judgment entered against a garnishee from exceeding the total value of the assets located in the account on the date of service together with any amounts added to the account through the date of the judgment, in an action in which the garnishee is a financial institution or securities brokerage firm.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 63.007, Civil Practices and Remedies Code, to prohibit the amount of any judgment entered against the garnishee from exceeding the amount located in the account on the date of service.