Misdemeanor offense of preventing execution of civil process

HB 2331 by R. Lewis (Gallegos)

DIGEST: HB 2331 would have made it a Class C misdemeanor to intentionally or knowingly prevent by words or actions the execution of any process in a civil cause. It would have been an exception to the offense if the person being served evaded service by avoiding detection.

GOVERNOR'S REASON FOR VETO: "House Bill 2331 creates a Class C misdemeanor when a person intentionally or knowingly prevents the execution of any service of process. However, House Bill 2331 contains an exception from a misdemeanor offense when the individual evades service of process by 'avoiding detection.' The exception is vague and overbroad and effectively bars prosecution under this bill."

RESPONSE: Rep. Ron Lewis, the author of HB 2331, had no comment. Sen. Mario Gallegos, the Senate sponsor, was unavailable for comment.

NOTES: HB 2331 was digested in Part Two of the May 9 *Daily Floor Report*. A provision identical to HB 2331 is included SB 15 by Whitmire et al., which becomes effective September 1, 1995.