

BILL ANALYSIS

Senate Research Center

S.B. 673
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Jurisprudence
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As Filed

DIGEST

Currently, in order to garnish the funds held in the inmate trust fund account in accordance with a judgment obtained in a court of law against a Texas Department of Criminal Justice (TDCJ) inmate, the legislature must waive the state's sovereign immunity to suit. S.B. 673 waives the state's sovereign immunity from suit for the sole purpose of allowing a writ of garnishment to be issued against an inmate trust fund controlled by TDCJ.

PURPOSE

As proposed, S.B. 673 authorizes garnishment of money held in an inmate trust fund.

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 63.006, as follows:

Sec. 63.006. GARNISHMENT OF FUNDS HELD IN INMATE TRUST FUND. Authorizes a writ of garnishment to be issued against an inmate trust fund held under the authority of the Texas Department of Criminal Justice under Section 501.014, Government Code, to encumber money held for the benefit of an inmate in the fund. Provides that the state waives its sovereign immunity to suit only to the extent necessary to authorize a garnishment action in accordance with this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.