

Chapter 168

H.B. No. 2823

AN ACT

relating to the issuance and enforcement of a subpoena during the course of an investigation of a residential mortgage loan servicer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 158, Finance Code, is amended by adding Section 158.1045 to read as follows:

Sec. 158.1045. ISSUANCE AND ENFORCEMENT OF SUBPOENA. (a)

During an investigation, the commissioner may issue a subpoena that is addressed to a peace officer of this state or other person authorized by law to serve citation or perfect service. The subpoena may require a person to give a deposition, produce documents, or both.

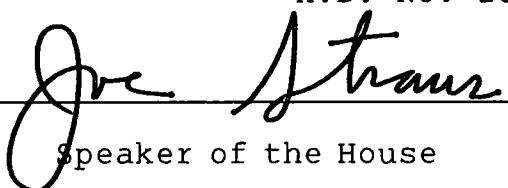
(b) If a person disobeys a subpoena or if a person appearing in a deposition in connection with the investigation refuses to testify, the commissioner may petition a district court in Travis County to issue an order requiring the person to obey the subpoena, testify, or produce documents relating to the matter. The court shall promptly set an application to enforce a subpoena issued under Subsection (a) for hearing and shall cause notice of the application and the hearing to be served on the person to whom the subpoena is directed.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2017.

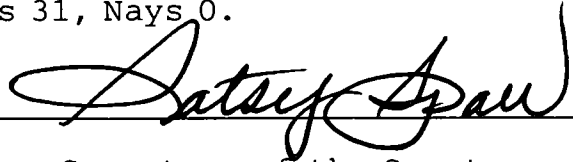

President of the Senate


Speaker of the House

I certify that H.B. No. 2823 was passed by the House on April 20, 2017, by the following vote: Yeas 141, Nays 3, 2 present, not voting.


Chief Clerk of the House

I certify that H.B. No. 2823 was passed by the Senate on May 12, 2017, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

APPROVED: 5-26-2017
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7 PM O'CLOCK

MAY 26 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2823 by Dean (Relating to the issuance and enforcement of a subpoena during the course of an investigation of a residential mortgage loan servicer.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Finance Code relating to the issuance and enforcement of a subpoena during the course of an investigation of a residential mortgage loan servicer. The bill would permit the commissioner to issue a subpoena to a peace officer or other certain authorized persons. Under the provisions of the bill, the commissioner could petition a district court in Travis County to issue an order requiring the person to obey the subpoena. The bill would require the court to set an application to enforce a subpoena.

Based on information provided by the Office of Court Administration and the Department of Savings and Mortgage Lending, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 450
Department of Savings and Mortgage Lending

LBB Staff: UP, CL, EH, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 31, 2017

TO: Honorable Tan Parker, Chair, House Committee on Investments & Financial Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2823 by Dean (Relating to the issuance and enforcement of a subpoena during the course of an investigation of a residential mortgage loan servicer.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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