

BILL ANALYSIS

Senate Research Center

H.B. 2829
By: Place (Shapleigh)
Criminal Justice
5-17-97
Engrossed

DIGEST

Under current law it is clear when a local Community Supervision and Corrections Department should remit an initial unclaimed restitution payment to the Comptroller of Public Accounts, but it is unclear when to remit additional payments received. This bill provides regulations regarding the disposition of restitution payments made to victims of crime.

PURPOSE

As proposed, H.B. 2829 provides regulations regarding the disposition of restitution payments made to victims of crime.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Amends Sections 76.013(a) and (b), Government Code, to require a community supervision and corrections department (department) that receives a defendant's restitution payment for disbursement to the victim to immediately deposit the payment in an interest-bearing account in the county treasury as required by Section 140.003(f), Local Government Code, rather than in an interest bearing account in the department having original jurisdiction. Requires a department, if an initial restitution payment is received by a department, to immediately notify the victim of that fact. Provides that a department is obligated to make a good faith effort to locate and notify a victim that an unclaimed payment exists. Provides that the department satisfies the good faith requirement under this subsection by sending to the victim by certified mail on any one occasion during the period the defendant is required to make payments a notice that the victim is entitled to an unclaimed payment. Requires the department, after making an initial transfer of payments to the Comptroller of Public Accounts under this subsection, to transfer the subsequent payment to the comptroller within a certain time period. Requires the department to deduct five percent of the payment or subsequent payment as a collection fee and deduct any interest accrued on the payment or subsequent payment before transferring the payment to the comptroller under this subsection. Deletes existing text regarding payment to a victim. Makes nonsubstantive changes.

(b) Provides that, in addition to substantive changes made by this section, this section conforms Section 76.013, Government Code, to Section 3.014, Chapter 321, Acts of the 74th Legislature, Regular Session, 1995.

(c) Repealer: Section 3.014, Chapter 321, Acts of the 74th Legislature, Regular Session, 1995.

(d) Provides that, to the extent of any conflict, this section prevails over another Act of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.