

## **BILL ANALYSIS**

Senate Research Center  
76R2321 KEL-D

H.B. 302  
By: Wise (Jackson)  
Criminal Justice  
5/14/1999  
Engrossed

### **DIGEST**

State court judges usually have authority to require the convicted defendant to make restitution to victims of crime. There currently are no special provisions pertaining to restitution in cases involving the kidnaping or abduction of children. H.B. 302 requires a judge to impose restitution for the costs of such a victim's rehabilitation at the sentencing or disposition hearing, to specify the method of payment, and authorizes the court to issue a contempt order for offenders who fail to meet the conditions of the restitution order and to convert the restitution order into a civil judgment.

### **PURPOSE**

As proposed, H.B. 302 requires mandatory restitution in offenses involving the abduction of or interference with the custody of children.

### **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 42, Code of Criminal Procedure, by adding Article 42.0371, as follows:

Art. 42.0371. MANDATORY RESTITUTION FOR KIDNAPPED OR ABDUCTED CHILDREN. Requires the court to order a defendant convicted of an offense under Chapter 20, Penal Code, or Section 25.03, 25.031, or 25.04, Penal Code, to pay restitution in an amount equal to the cost of necessary rehabilitation, inclusive of medical, psychiatric, and psychological treatment, for victims younger than 17 years of age. Requires the court to specify in the restitution order the manner of payment. Authorizes the state or a victim named in the restitution order to enforce a restitution order in the same manner as a civil action judgment. Authorizes the court to hold a hearing, make findings of fact, and amend an order issued under this section if the defendant does not pay the victim named in the order in the manner specified by the court.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.