

BILL ANALYSIS

C.S.H.B. 1751
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The source of funds for the Compensation to Victims of Crime Fund are primarily generated by persons who commit criminal offenses. Although restitution is commonly ordered by the courts, it is not always ordered to reimburse the Compensation to Victims of Crime Fund for funds expended on behalf of the victim. In 2003, the State collected approximately \$48 million in restitution payments. Of the \$71 million paid out by the Compensation to Victims of Crime Fund, less than \$900,000 in restitution was ordered repaid to the Fund. The additional revenue required by this bill will help the Fund remain viable for future victims.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1751 amends the Code of Criminal Procedure, to require the court to order the defendant to make restitution to any victim of the offense or the Compensation to Victims of Crime Fund. The court may not consider the defendant's inability to pay as a reason not to order full restitution but may consider it when determining the manner in which the defendant will pay. The bill also places the burden of proving an inability to pay on the defendant.

Furthermore, if the court requires the defendant to pay restitution in installments, the court may order a one-time restitution fee of \$12, \$6 of which the court shall retain and \$6 of which shall be paid to the CVC Fund. In addition, a court of parole panel must consider the victim's financial resources or ability to pay expenses incurred from the offense when determining whether to revoke community supervision, parole, or mandatory supervision.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original in that the substitute prohibits a court from considering the defendant's inability to pay as a reason not to order full restitution but may consider it when determining the manner in which the defendant will pay. The bill also places the burden of proving an inability to pay on the defendant.

Furthermore, the substitute includes language regarding a one-time restitution fee and adds criteria for a court or parole panel to consider when determining revocation.