

By: Dukes

H.B. No. 172

A BILL TO BE ENTITLED

AN ACT

1
2 relating to ordering criminal defendants to pay restitution on
3 conviction of certain offenses involving the making of a false
4 statement or report.

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

6 SECTION 1. Chapter 42, Code of Criminal Procedure, is
7 amended by adding Article 42.0372 to read as follows:

8 Art. 42.0372. MANDATORY RESTITUTION FOR STATE AGENCIES
9 INVESTIGATING FALSE STATEMENTS OR REPORTS. (a) The court shall
10 order a defendant convicted of an offense under Section 37.08 or
11 37.081, Penal Code, or Section 261.107, Family Code, to pay
12 restitution to the agency or department that investigated the
13 statement or report on which the conviction was based in an amount
14 equal to the cost the agency or department incurred in conducting
15 the investigation.

16 (b) The court shall, after considering the financial
17 circumstances of the defendant, specify in a restitution order
18 issued under Subsection (a) the manner in which the defendant must
19 pay the restitution.

20 (c) A restitution order issued under Subsection (a) may be
21 enforced by the state or by the agency or department named in the
22 order to receive the restitution in the same manner as a judgment in
23 a civil action.

24 (d) The court may hold a hearing, make findings of fact, and

1 amend a restitution order issued under Subsection (a) if the
2 defendant fails to pay the agency or department named in the order
3 in the manner specified by the court.

4 SECTION 2. The change in law made by this Act applies only
5 to an offense committed on or after September 1, 2005. An offense
6 committed before September 1, 2005, is covered by the law in effect
7 when the offense was committed, and the former law is continued in
8 effect for that purpose. For the purposes of this section, an
9 offense was committed before September 1, 2005, if any element of
10 the offense occurred before that date.

11 SECTION 3. This Act takes effect September 1, 2005.