BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When an individual is arrested for writing a bad check (a Class C misdemeanor), the individual can resolve the charge by paying the fine. Such payment does not satisfy the debt to the recipient of the bad check, however. Authorizing law enforcement agencies to collect restitution would significantly reduce the amount of time a business is required to wait to be reimbursed for the bad check.

H.B. 485 authorizes law enforcement agencies to collect up to $5,000 in restitution from a person who writes a bad check on the execution of a warrant against the person.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 32.41(e), Penal Code, to authorize restitution, in cases in which its collection and processing for an offense involving a bad check were not initiated through the prosecutor's office, to be collected by a law enforcement agency if a peace officer of that agency executes a warrant against the person charged with the offense, with the approval of the court in which the offense is filed.

SECTION 2. Amends Article 45.041, Code of Criminal Procedure, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Deletes existing text providing for a $500 limit on the amount of restitution to be provided to a victim of an offense that a justice or judge is authorized to direct the defendant to make.

(b-1) Prohibits restitution made under Subsection (b)(2) from exceeding $5,000 for an offense under Section 32.41 (Issuance of Bad Check), Penal Code.

SECTION 3. (a) Makes application of Section 32.41(e), Penal Code, as amended by this Act, prospective.

(b) Makes application of Article 45.041, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2007.