

BILL ANALYSIS

C.S.H.B. 485
By: Van Arsdale
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, businesses and other entities can only collect payment from bad checks through the courts, and sometimes this process takes multiple years before restitution is made. The current process is costly to small businesses that don't have the cash flow to wait long periods of time for restitution.

C.S.H.B. 485 allows a law enforcement agency to collect restitution if the officer is executing the warrant against the person charged with the offense. The bill would help speed up the process while increasing the restitution limit.

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

Committee Substitute to House Bill 485 amends the Penal Code to provide that a person charged with an offense of issuance of bad checks may make restitution through the court or collected by a law enforcement agency if a peace officer of that agency executes a warrant against the person charged with the offense. The bill also amends the Code of Criminal Procedure to provide that restitution made to any victim of the offense may not exceed \$5,000 for an offense under Section 32.41, Penal Code.

Section 32.41(e), Penal Code, as amended by this Act applies only to a warrant executed by a peace officer on or after the effective date of this Act. Article 45.041, Code of Criminal Procedure, as amended by this Act applies only to a sentence pronounced on or after the effective date of this Act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original allowed for the peace officer to collect restitution at the same time he or she executed the warrant. The substitute states that the law enforcement agency would collect restitution after the peace officer executed the warrant.