

BILL ANALYSIS

H.J.R. 67
By: Madden
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

H.J.R. 67 and its enabling legislation, H.B. 1612, would enable crime victims to obtain an order garnishing part of the wages of an offender who owes restitution in a criminal judgment. Presently, no wages for personal service are subject to garnishment, except for the enforcement of court-ordered child support payments or spousal maintenance. Restitution owed by offenders to compensate crime victims is a similarly important obligation.

While the Texas constitution establishes the right to restitution, the success rate in collecting such judgments in Texas is not good. The Crime Victims' Compensation Fund (CVCF) operated by the attorney general offers violent crime victims reimbursement of up to \$50,000 in medical and other costs, but its fiscal soundness is tenuous because it is funded in part with restitution paid by offenders.

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

House Joint Resolution 67 amends the Texas Constitution by adding court-ordered restitution in a criminal judgment to the list of court-ordered payments for which a person's wages for personal service can be subject to garnishment.

The proposed constitutional amendment will be submitted to the voters at an election to be held November 6, 2007. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing garnishment of wages for court-ordered restitution in a criminal judgment."

EFFECTIVE DATE

H.J.R. 67 requires the proposed constitutional amendment to be submitted to the voters at an election to be held on November 6, 2007, and requires the ballot to be printed to permit voting for or against the specific proposition.