

By: Van Arsdale

H.B. No. 485

Substitute the following for H.B. No. 485:

By: Pena

C.S.H.B. No. 485

A BILL TO BE ENTITLED

AN ACT

relating to the collection and amount of restitution authorized to be collected from persons charged with or convicted of certain misdemeanor offenses.

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

SECTION 1. Section 32.41(e), Penal Code, is amended to read as follows:

(e) A person charged with an offense under this section may make restitution for the bad checks. Restitution shall be made through the prosecutor's office if collection and processing were initiated through that office. In other cases restitution may be, with the approval of the court in which the offense is filed:

(1) [~~be~~ made through the court; or

(2) collected by a law enforcement agency if a peace officer of that agency executes a warrant against the person charged with the offense.

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

(b) The justice or judge may direct the defendant:

(1) to pay:

(A) the entire fine and costs when sentence is pronounced;

(B) the entire fine and costs at some later date;

1 or

2 (C) a specified portion of the fine and costs at
3 designated intervals;

4 (2) if applicable, to make restitution to any victim
5 of the offense [~~in an amount not to exceed \$500~~]; and

6 (3) to satisfy any other sanction authorized by law.

7 (b-1) Restitution made under Subsection (b)(2) may not
8 exceed \$5,000 for an offense under Section 32.41, Penal Code.

9 SECTION 3. (a) Section 32.41(e), Penal Code, as amended by
10 this Act, applies only to a warrant executed by a peace officer on
11 or after the effective date of this Act.

12 (b) Article 45.041, Code of Criminal Procedure, as amended
13 by this Act, applies only to a sentence pronounced on or after the
14 effective date of this Act. A sentence pronounced before the
15 effective date of this Act is covered by the law in effect when the
16 sentence was pronounced, and the former law is continued in effect
17 for that purpose.

18 SECTION 4. This Act takes effect September 1, 2007.