

By: Burnam

H.B. No. 3336

A BILL TO BE ENTITLED

AN ACT

relating to restitution payments ordered by juvenile courts.

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

SECTION 1. Chapter 54, Family Code, is amended by adding Section 54.0481 to read as follows:

Sec. 54.0481. TREATMENT OF RESTITUTION PAYMENTS. (a) A juvenile probation department that receives a payment to a victim as the result of a juvenile court order for restitution shall immediately:

(1) deposit the payment in an interest-bearing account in the county treasury; and

(2) notify the victim by certified mail, sent to the last known address of the victim, that a payment has been received.

(b) The juvenile probation department shall promptly remit the payment to a victim who has been notified under Subsection (a) and makes a claim for payment.

(c) On or before the fifth anniversary of the date the juvenile probation department receives a payment for a victim that is not claimed by the victim, the department shall make and document a good faith effort to locate and notify the victim that an unclaimed payment exists, including:

(1) confirming, if possible, the victim's most recent address with the Department of Public Safety; and

(2) making at least one additional certified mailing

1 to the victim.

2 (d) A juvenile probation department satisfies the good
3 faith requirement under Subsection (c) by sending by certified mail
4 to the victim, during the period the child is required by the
5 juvenile court order to make payments to the victim, a notice that
6 the victim is entitled to an unclaimed payment.

7 (e) If a victim claims a payment on or before the fifth
8 anniversary of the date on which the juvenile probation department
9 mailed a notice to the victim under Subsection (a), the juvenile
10 probation department shall pay the victim the amount of the
11 original payment, less any interest earned while holding the
12 payment.

13 (f) If a victim does not claim a payment on or before the
14 fifth anniversary of the date on which the juvenile probation
15 department mailed a notice to the victim under Subsection (a), the
16 department:

17 (1) has no liability to the victim or anyone else in
18 relation to the payment; and

19 (2) shall transfer the payment from the
20 interest-bearing account to a special fund of the county treasury,
21 the unclaimed juvenile restitution fund.

22 (g) The county may spend money in the unclaimed juvenile
23 restitution fund only for the same purposes for which the county may
24 spend juvenile state aid.

25 SECTION 2. This Act applies only to a payment of restitution
26 under a juvenile court order received by a juvenile probation
27 department on or after the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2007.