

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 16, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1612 by Madden (Relating to garnishment of wages for court-ordered restitution in a criminal judgment.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to allow for garnishment of a defendant's wages for court ordered restitution payable to a victim. Under the bill, a court that has ordered restitution to a victim may order up to 50 percent of a defendant's disposable income to be withheld and paid to a community supervision and corrections department. The bill would not apply to restitution ordered to the Crime Victims' Compensation Fund. The bill would set procedures, liabilities and administrative expenses involved in garnishing a defendant's wages. The bill would take effect on January 1, 2008, but only if a constitutional amendment authorizing garnishment of wages is approved by the voters. If that constitutional amendment is not approved, the bill would have no effect.

Local Government Impact

To the extent the bill would result in additional administrative responsibilities for community supervision and corrections departments, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: JOB, ES, ZS, TB, KJG