

## **BILL ANALYSIS**

Senate Research Center

H.B. 4464  
By: Gallego (Hegar)  
Criminal Justice  
5/17/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This bill is intended to eliminate the situation in which court clerks are generally required to list the name and address of a crime victim who is to receive restitution in the criminal judgment only to then have to redact the victim's name and address from the judgment before allowing the public to see the judgment. By eliminating this situation, the workload of the clerks would be reduced and the clerk's court records would be more readily accessible by the public.

H.B. 4464 amends current law relating to crime victim information in a criminal judgment.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1, Article 42.01, Code of Criminal Procedure, to require that the judgment reflect the name and address of a person or agency that will accept and forward restitution payments to the victim, rather than the name of the victim and the permanent mailing address of the victim at the time of the judgment; or if the court specifically elects to have payments made directly to the crime victim, the name and permanent address of the victim at the time of judgment, rather than if the court determines that the inclusion of the victim's name and address in the judgment is not in the best interest of the victim, the name and address of a person or agency that will accept and forward restitution payments to the victim.

SECTION 2. Amends Article 42.037(g), Code of Criminal Procedure, to require that the order of restitution, except as provided by Subsection (n) (relating to restitution requirements regarding the payment of child support), require the defendant to: (i) make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund; (ii) make restitution directly to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund; or (iii) deliver the amount of property due as restitution to a community supervision and corrections department for transfer to the victim or person. Makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 2009.