

BILL ANALYSIS

H.B. 4464
By: Gallego
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently there is a burden being placed on court clerks by two competing statutory requirements. Article 42.01 of the Code of Criminal Procedure generally requires that the name and address of the crime victim be included in the criminal judgment if the court orders restitution to be paid to the victim. At the same time, Section 552.1325 of the Government Code requires that crime victim information be kept confidential, so this information must be redacted from the criminal judgment before the judgment can be made public.

The purpose of this legislation is 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 clerks would be reduced, and the clerk's court records would be more readily accessible by the public.

H.B. 4464 requires a criminal judgment to reflect the name and address of a person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution, rather than the name and permanent address of the victim unless the court specifically elects to have payments made directly to the crime victim. The bill adds to the entities to which a defendant may be required to make restitution directly in an order of restitution.

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

H.B. 4464 amends the Code of Criminal Procedure to require the criminal judgment of a court, in the event that the court orders restitution to be paid to the victim, to reflect a statement of the amount of restitution ordered and the name and address of a person or agency that will accept and forward restitution payments to the victim, 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. The bill removes language that requires the judgment to reflect the name and address of the victim, or if the court determines that the inclusion of that information is not in the best interest of the victim, the name and address of a person or agency accepting and forwarding the restitution to the victim.

H.B. 4464 adds a person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution to the possible entities to which an order of restitution must require a defendant to make restitution directly.

EFFECTIVE DATE

September 1, 2009.