

By: Gallego

H.B. No. 4464

A BILL TO BE ENTITLED

AN ACT

relating to crime victim information in a criminal judgment.

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

SECTION 1. Section 1, Article 42.01, Code of Criminal Procedure is amended to read as follows:

Sec. 1. A judgment is the written declaration of the court signed by the trial judge and entered of record showing the conviction or acquittal of the defendant. The sentence served shall be based on the information contained in the judgment. The judgment shall reflect:

1. The title and number of the case;
2. That the case was called and the parties appeared, naming the attorney for the state, the defendant, and the attorney for the defendant, or, where a defendant is not represented by counsel, that the defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel;
3. The plea or pleas of the defendant to the offense charged;
4. Whether the case was tried before a jury or a jury was waived;
5. The submission of the evidence, if any;
6. In cases tried before a jury that the jury was charged by the court;
7. The verdict or verdicts of the jury or the finding

1 or findings of the court;

2           8. In the event of a conviction that the defendant is  
3 adjudged guilty of the offense as found by the verdict of the jury  
4 or the finding of the court, and that the defendant be punished in  
5 accordance with the jury's verdict or the court's finding as to the  
6 proper punishment;

7           9. In the event of conviction where death or any  
8 punishment is assessed that the defendant be sentenced to death, a  
9 term of confinement or community supervision, or to pay a fine, as  
10 the case may be;

11           10. In the event of conviction where the imposition of  
12 sentence is suspended and the defendant is placed on community  
13 supervision, setting forth the punishment assessed, the length of  
14 community supervision, and the conditions of community  
15 supervision;

16           11. In the event of acquittal that the defendant be  
17 discharged;

18           12. The county and court in which the case was tried  
19 and, if there was a change of venue in the case, the name of the  
20 county in which the prosecution was originated;

21           13. The offense or offenses for which the defendant  
22 was convicted;

23           14. The date of the offense or offenses and degree of  
24 offense for which the defendant was convicted;

25           15. The term of sentence;

26           16. The date judgment is entered;

27           17. The date sentence is imposed;

1           18. The date sentence is to commence and any credit for  
2 time served;

3           19. The terms of any order entered pursuant to Article  
4 42.08 of this code that the defendant's sentence is to run  
5 cumulatively or concurrently with another sentence or sentences;

6           20. The terms of any plea bargain;

7           21. Affirmative findings entered pursuant to  
8 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of  
9 this code;

10          22. The terms of any fee payment ordered under Article  
11 42.151 of this code;

12          23. The defendant's thumbprint taken in accordance  
13 with Article 38.33 of this code;

14          24. In the event that the judge orders the defendant to  
15 repay a reward or part of a reward under Articles 37.073 and 42.152  
16 of this code, a statement of the amount of the payment or payments  
17 required to be made;

18          25. In the event that the court orders restitution to  
19 be paid to the victim, a statement of the amount of restitution  
20 ordered and:

21                 (A) the name and address of a person or agency  
22 that will accept and forward restitution payments to the victim  
23 ~~[and the permanent mailing address of the victim at the time of the~~  
24 ~~judgment]~~; or

25                 (B) if the court specifically elects to have  
26 payments made directly to the crime victim, ~~[determines that the~~  
27 ~~inclusion of]~~ the ~~[victim's]~~ name and permanent address ~~[in the~~

1 ~~judgment is not in the best interest]~~ of the victim at the time of  
2 judgment [~~, the name and address of a person or agency that will~~  
3 ~~accept and forward restitution payments to the victim]~~;

4           26. In the event that a presentence investigation is  
5 required by Section 9(a), (b), (h), or (i), Article 42.12 of this  
6 code, a statement that the presentence investigation was done  
7 according to the applicable provision;

8           27. In the event of conviction of an offense for which  
9 registration as a sex offender is required under Chapter 62, a  
10 statement that the registration requirement of that chapter applies  
11 to the defendant and a statement of the age of the victim of the  
12 offense;

13           28. The defendant's state identification number  
14 required by Section 60.052(a)(2), if that number has been assigned  
15 at the time of the judgment; and

16           29. The incident number required by Section  
17 60.052(a)(4), if that number has been assigned at the time of the  
18 judgment.

19           SECTION 2. Article 42.037(g), Code of Criminal Procedure is  
20 amended to read as follows:

21           (g)(1) The court may require a defendant to make restitution  
22 under this article within a specified period or in specified  
23 installments. If the court requires the defendant to make  
24 restitution in specified installments, in addition to the  
25 installment payments, the court may require the defendant to pay a  
26 one-time restitution fee of \$12, \$6 of which the court shall retain  
27 for costs incurred in collecting the specified installments and \$6

1 of which the court shall order to be paid to the compensation to  
2 victims of crime fund.

3 (2) The end of the period or the last installment may  
4 not be later than:

5 (A) the end of the period of probation, if  
6 probation is ordered;

7 (B) five years after the end of the term of  
8 imprisonment imposed, if the court does not order probation; or

9 (C) five years after the date of sentencing in  
10 any other case.

11 (3) If the court does not provide otherwise, the  
12 defendant shall make restitution immediately.

13 (4) Except as provided by Subsection (n), the order of  
14 restitution must require the defendant to: (i) make restitution  
15 directly to the person or agency that will accept and forward  
16 restitution payments to the victim or other person eligible for  
17 restitution under this article, including the compensation to  
18 victims of crime fund; (ii) make restitution directly to the  
19 victim or other person eligible for restitution under this article,  
20 including the compensation to victims of crime fund; [7] or (iii)  
21 [to] deliver the amount or property due as restitution to a  
22 community supervision and corrections department for transfer to  
23 the victim or person.

24 SECTION 3. This Act takes effect September 1, 2009.