

By: Gallego

H.B. No. 4464

A BILL TO BE ENTITLED

1 AN ACT

2 relating to crime victim information in a criminal judgment.

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

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

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

11 1. The title and number of the case;

12 2. That the case was called and the parties appeared,
13 naming the attorney for the state, the defendant, and the attorney
14 for the defendant, or, where a defendant is not represented by
15 counsel, that the defendant knowingly, intelligently, and
16 voluntarily waived the right to representation by counsel;

17 3. The plea or pleas of the defendant to the offense
18 charged;

19 4. Whether the case was tried before a jury or a jury
20 was waived;

21 5. The submission of the evidence, if any;

22 6. In cases tried before a jury that the jury was
23 charged by the court;

24 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
2 of 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;~~[7]~~ (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; or (iii) [to]
21 deliver the amount or property due as restitution to a community
22 supervision and corrections department for transfer to the victim
23 or person.

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