

1-1 By: Gallego (Senate Sponsor - Hegar) H.B. No. 4464
1-2 (In the Senate - Received from the House May 1, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2009, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to crime victim information in a criminal judgment.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1, Article 42.01, Code of Criminal
1-11 Procedure is amended to read as follows:

1-12 Sec. 1. A judgment is the written declaration of the court
1-13 signed by the trial judge and entered of record showing the
1-14 conviction or acquittal of the defendant. The sentence served
1-15 shall be based on the information contained in the judgment. The
1-16 judgment shall reflect:

1-17 1. The title and number of the case;

1-18 2. That the case was called and the parties appeared,
1-19 naming the attorney for the state, the defendant, and the attorney
1-20 for the defendant, or, where a defendant is not represented by
1-21 counsel, that the defendant knowingly, intelligently, and
1-22 voluntarily waived the right to representation by counsel;

1-23 3. The plea or pleas of the defendant to the offense
1-24 charged;

1-25 4. Whether the case was tried before a jury or a jury
1-26 was waived;

1-27 5. The submission of the evidence, if any;

1-28 6. In cases tried before a jury that the jury was
1-29 charged by the court;

1-30 7. The verdict or verdicts of the jury or the finding
1-31 or findings of the court;

1-32 8. In the event of a conviction that the defendant is
1-33 adjudged guilty of the offense as found by the verdict of the jury
1-34 or the finding of the court, and that the defendant be punished in
1-35 accordance with the jury's verdict or the court's finding as to the
1-36 proper punishment;

1-37 9. In the event of conviction where death or any
1-38 punishment is assessed that the defendant be sentenced to death, a
1-39 term of confinement or community supervision, or to pay a fine, as
1-40 the case may be;

1-41 10. In the event of conviction where the imposition of
1-42 sentence is suspended and the defendant is placed on community
1-43 supervision, setting forth the punishment assessed, the length of
1-44 community supervision, and the conditions of community
1-45 supervision;

1-46 11. In the event of acquittal that the defendant be
1-47 discharged;

1-48 12. The county and court in which the case was tried
1-49 and, if there was a change of venue in the case, the name of the
1-50 county in which the prosecution was originated;

1-51 13. The offense or offenses for which the defendant
1-52 was convicted;

1-53 14. The date of the offense or offenses and degree of
1-54 offense for which the defendant was convicted;

1-55 15. The term of sentence;

1-56 16. The date judgment is entered;

1-57 17. The date sentence is imposed;

1-58 18. The date sentence is to commence and any credit for
1-59 time served;

1-60 19. The terms of any order entered pursuant to Article
1-61 42.08 of this code that the defendant's sentence is to run
1-62 cumulatively or concurrently with another sentence or sentences;

1-63 20. The terms of any plea bargain;

1-64 21. Affirmative findings entered pursuant to

2-1 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
 2-2 this code;

2-3 22. The terms of any fee payment ordered under Article
 2-4 42.151 of this code;

2-5 23. The defendant's thumbprint taken in accordance
 2-6 with Article 38.33 of this code;

2-7 24. In the event that the judge orders the defendant to
 2-8 repay a reward or part of a reward under Articles 37.073 and 42.152
 2-9 of this code, a statement of the amount of the payment or payments
 2-10 required to be made;

2-11 25. In the event that the court orders restitution to
 2-12 be paid to the victim, a statement of the amount of restitution
 2-13 ordered and:

2-14 (A) the name and address of a person or agency
 2-15 that will accept and forward restitution payments to the victim
 2-16 ~~[and the permanent mailing address of the victim at the time of the~~
 2-17 ~~judgment];~~ or

2-18 (B) if the court specifically elects to have
 2-19 payments made directly to the crime victim, ~~[determines that the~~
 2-20 ~~inclusion of]~~ the ~~[victim's]~~ name and permanent address ~~[in the~~
 2-21 ~~judgment is not in the best interest]~~ of the victim at the time of
 2-22 judgment ~~[, the name and address of a person or agency that will~~
 2-23 ~~accept and forward restitution payments to the victim];~~

2-24 26. In the event that a presentence investigation is
 2-25 required by Section 9(a), (b), (h), or (i), Article 42.12 of this
 2-26 code, a statement that the presentence investigation was done
 2-27 according to the applicable provision;

2-28 27. In the event of conviction of an offense for which
 2-29 registration as a sex offender is required under Chapter 62, a
 2-30 statement that the registration requirement of that chapter applies
 2-31 to the defendant and a statement of the age of the victim of the
 2-32 offense;

2-33 28. The defendant's state identification number
 2-34 required by Section 60.052(a)(2), if that number has been assigned
 2-35 at the time of the judgment; and

2-36 29. The incident number required by Section
 2-37 60.052(a)(4), if that number has been assigned at the time of the
 2-38 judgment.

2-39 SECTION 2. Article 42.037(g), Code of Criminal Procedure is
 2-40 amended to read as follows:

2-41 (g)(1) The court may require a defendant to make restitution
 2-42 under this article within a specified period or in specified
 2-43 installments. If the court requires the defendant to make
 2-44 restitution in specified installments, in addition to the
 2-45 installment payments, the court may require the defendant to pay a
 2-46 one-time restitution fee of \$12, \$6 of which the court shall retain
 2-47 for costs incurred in collecting the specified installments and \$6
 2-48 of which the court shall order to be paid to the compensation to
 2-49 victims of crime fund.

2-50 (2) The end of the period or the last installment may
 2-51 not be later than:

2-52 (A) the end of the period of probation, if
 2-53 probation is ordered;

2-54 (B) five years after the end of the term of
 2-55 imprisonment imposed, if the court does not order probation; or

2-56 (C) five years after the date of sentencing in
 2-57 any other case.

2-58 (3) If the court does not provide otherwise, the
 2-59 defendant shall make restitution immediately.

2-60 (4) Except as provided by Subsection (n), the order of
 2-61 restitution must require the defendant to: (i) make restitution
 2-62 directly to the person or agency that will accept and forward
 2-63 restitution payments to the victim or other person eligible for
 2-64 restitution under this article, including the compensation to
 2-65 victims of crime fund; (ii) make restitution directly to the
 2-66 victim or other person eligible for restitution under this article,
 2-67 including the compensation to victims of crime fund; ~~[r]~~ or (iii)
 2-68 ~~[to]~~ deliver the amount or property due as restitution to a
 2-69 community supervision and corrections department for transfer to

3-1 the victim or person.

3-2 SECTION 3. This Act takes effect September 1, 2009.

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