

By: Huffman

S.B. No. 306

A BILL TO BE ENTITLED

AN ACT

relating to the filing of an affidavit to perfect a restitution lien  
in a criminal case.

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

SECTION 1. Section 5, Article 42.22, Code of Criminal  
Procedure, is amended to read as follows:

Sec. 5. PERSONS WHO MAY FILE. (a) In a criminal case in  
which a defendant is ordered to pay fines or costs, the attorney  
representing the state [~~The following persons~~] may file an  
affidavit to perfect a restitution lien[+]

~~[(1) the attorney representing the state in a criminal  
case in which a victim is determined by the court to be entitled to  
restitution or in which a defendant is ordered to pay fines or  
costs, or~~

~~[(2) a victim in a criminal case determined by the  
court to be entitled to restitution].~~

(b) In a criminal case in which a victim is determined by the  
court to be entitled to restitution, the clerk of the court, not  
later than the 30th day after the date the court enters the order to  
make restitution, shall file an affidavit to perfect a restitution  
lien.

SECTION 2. This Act takes effect September 1, 2011.