

BILL ANALYSIS

H.B. 3976
By: Leach
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been reported that the collection rate of restitution to victims of a criminal offense is low and that this may be a result of limited enforcement resources for ensuring compliance with an order of restitution. H.B. 3976 seeks to bolster enforcement of an order of restitution and allow victims to be properly compensated by authorizing such an order to be filed in a civil court and requiring the applicable civil court to immediately enter a civil judgment for the amount of the order.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 3976 amends the Code of Criminal Procedure to authorize the state or a victim, after a court certifies an order of restitution in a criminal case, to file the order with a trial court with civil jurisdiction and to require the civil court immediately to enter a civil judgment for the amount of the order that is effective the 30th day after the date the order is entered. The bill expressly does not require the state or victim to serve notice on the defendant to obtain the civil judgment.

EFFECTIVE DATE

September 1, 2019.