

## **BILL ANALYSIS**

Senate Research Center  
88R12501 MZM-F

H.B. 3603  
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Criminal Justice  
5/17/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3603 addresses the issue of double collections. Currently, there is no way to see if the victim of a crime has been paid funds from the Crime Victims Fund from the side of the clerk, who is in charge of collecting those funds in the original trial judgment.

There is no reporting back to the Texas Department of Criminal Justice (TDCJ) regarding which victims have been paid, creating a backlog with the clerk's office trying to determine who needs to be paid.

The victim compensation system needs to be streamlined to allow for centralized record keeping and only one manner by which funds are collected from the parolee.

H.B. 3603 would shift certain responsibilities related to restitution from TDCJ to the local courts where the restitution was initially ordered, by requiring the court clerk to be responsible for remitting the payment to the victim in addition to other responsibilities previously exercised by TDCJ including:

- providing notification by certified mail to a victim's last known address if the victim could not be located;
- reporting and delivering restitution payments to the comptroller once presumed abandoned, after five years of remaining unclaimed; and
- annually certifying that the court was not holding any abandoned and unclaimed restitution payments.

H.B. 3603 amends current law relating to the payment of restitution by a person released on parole or to mandatory supervision.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 508.322, Government Code, by amending Subsections (c), (d), (e), and (f) and adding Subsections (c-1) and (c-2), as follows:

(c) Requires the Texas Department of Criminal Justice (TDCJ), when a parole panel orders a certain payment, to:

(1)-(2) makes no changes to these subdivisions; and

(3) transmit the payment to the clerk of the court that entered the order of restitution, rather than to the victim, as soon as practicable for the clerk to remit the payment to the victim.

(c-1) Requires TDCJ to include the releasee's name and other relevant identifying information, the cause number, and the payment amount when transmitting a payment to the clerk of the court under Subsection (c)(3).

(c-2) Requires the clerk of the court, on receipt of a payment transmitted to the clerk under Subsection (c)(3), to process and account for the payment in the same manner as if the payment had been made directly to the clerk.

(d) Requires the clerk of the court, rather than requires TDCJ, if a victim who is entitled to restitution cannot be located, immediately after receiving a final payment in satisfaction of an order of restitution for the victim, to attempt to notify the victim of that fact by certified mail, mailed to the last known address of the victim. Makes a conforming change.

(e)-(f) Makes conforming changes to these subsections.

SECTION 2. Effective date: December 1, 2023.