

BILL ANALYSIS

H.B. 3603
By: Anderson
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law currently requires parole officers to collect restitution from parolees but does not allow for collections of court-ordered fees, fines, or reparations by these officers. Instead, local court clerks are ordered in the original trial judgment to collect these costs and forward them to the victim appropriately. Currently, there is no way to verify whether the victim has been paid restitution collected by parole officers, which can create confusion for court clerks and victims. The duty to collect and distribute all court-ordered costs, including restitution, should be centralized within the office of court clerk. H.B. 3603 seeks to make these changes and is a solution agreed to by both court clerks and the Texas Department of Criminal Justice.

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. 3603 amends the Government Code to replace the duty of the Texas Department of Criminal Justice (TDCJ) to transmit a restitution payment to a victim with a requirement for TDCJ to transmit the payment to the clerk of the court that entered the order of restitution and a requirement for the clerk to remit the payment to the victim. The bill requires TDCJ to include the releasee's name and other relevant identifying information, the cause number, and the payment amount when transmitting the payment to the clerk. The bill requires a court clerk, on receipt of a transmitted payment, to process and account for the payment in the same manner as if the payment had been made directly to the clerk. The bill transfers the following duties of TDCJ to the applicable court clerk:

- the duty to attempt to notify a victim who is entitled to restitution but cannot be located and to remit a payment to a victim who then makes a claim for payment;
- the duty to report and deliver to the comptroller of public accounts all unclaimed restitution payments that are presumed abandoned by the clerk; and
- the duty to file a property report with the comptroller with respect to unclaimed restitution payments that are not held by the clerk.

EFFECTIVE DATE

December 1, 2023.