

BILL ANALYSIS

H.B. 3636
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Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, restitution payments collected from individuals released on parole or mandatory supervision are held by clerks of the court for victims of crime. If a victim cannot be located or fails to claim those funds within five years, the payments are considered abandoned and are reported to the comptroller of public accounts. However, the bill author has informed the committee of concerns raised by county clerks about this unclaimed restitution sitting unused and the lack of a direct mechanism to ensure these funds continue to benefit crime victims. In some cases, restitution is delayed due to incomplete or missing victim contact information when the funds are transferred from the Texas Department of Criminal Justice (TDCJ) to the county clerk.

H.B. 3636 seeks to help ensure that local officials have the tools needed to locate victims and issue payments in a timely manner by requiring TDCJ to include the victim's last known address and a detailed payment history when transferring restitution funds to county clerks. The bill also shortens the time period in which a victim must claim restitution payments made by releasees from five years to three years, reducing the window in which funds sit idle. If the victim cannot be located or does not claim the funds within that time, the unclaimed restitution is directed to the compensation to victims of crime fund, ensuring those dollars still support victims rather than being transferred to general state revenue as abandoned property.

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. 3636 amends the Code of Criminal Procedure to require any unclaimed restitution payments being held by the clerk of a court for payment to a victim of a criminal offense to be transferred to the compensation to victims of crimes fund under the following circumstances:

- if the victim does not make a claim for payment before the third anniversary of the date the clerk receives the initial restitution payment; or
- if, after the victim makes a claim for payment, the clerk is unable to locate the victim for a period of three years after the date the clerk last made a payment to the victim.

H.B. 3636 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ), if it transfers a restitution payment to a county under provisions relating to unclaimed property claims filed on behalf of a crime victim, to include the last known address of the victim.

The bill also requires TDCJ, in transferring a restitution payment to a clerk under those provisions, to include a history of past payments made to the victim by TDCJ that includes the following information:

- the date each payment was made;
- the amount of each payment;
- the address each payment was sent to; and
- the ending balance of payments made to the victim during TDCJ's collection period.

The bill establishes that information provided under these provisions is confidential and not subject to public disclosure under state public information law.

H.B. 3636 requires TDCJ, when a parole panel orders the payment of restitution from a releasee, to transmit the previously described payment history and the last known address of the victim to the applicable court clerk along with the payment. The bill establishes that this information is also confidential and not subject to public disclosure under state public information law.

H.B. 3636 revises the provision establishing that unclaimed restitution payments made by a releasee are presumed abandoned if the victim entitled to restitution does not make a claim for payment before a certain deadline or if, after the victim makes a claim for payment, the clerk is unable to locate the victim for a specified period of time after the date the clerk last made a payment to the victim, as follows:

- changes the deadline by which a victim must make a claim from the fifth anniversary of the date the clerk receives the initial restitution payment to the third anniversary of such date;
- reduces from five years to three years the specified period of time after the last payment for which the unclaimed payments are held if the clerk is unable to locate the victim;
- removes the provisions establishing that after the applicable deadline or period passes the payment is considered abandoned and requiring the clerk to report and deliver to the comptroller of public accounts all unclaimed payments in the manner provided under applicable Property Code provisions; and
- includes instead a provision requiring unclaimed payments to be transferred to the compensation to victims of crimes fund after the applicable date or period passes.

EFFECTIVE DATE

September 1, 2025.