

BILL ANALYSIS

Senate Research Center

S.B. 1666
By: Zaffirini
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2023, H.B. 3603 by Representative Charles Anderson required the Texas Department of Criminal Justice (TDCJ) to transmit restitution payments to the clerk of the court that issued the restitution order, rather than directly transferring funds to victims. The court clerk is then responsible for distributing the restitution payment. Current law, however, does not ensure that court clerks receive the necessary information—such as the victim's last known address and payment history—to properly distribute restitution payments. This gap has resulted in statewide challenges, with clerks holding restitution funds but lacking the means to deliver them to the intended recipients. In cases involving multiple victims, the absence of complete records has further complicated payment distribution.

What's more, current law allows unclaimed restitution payments to remain in limbo for up to five years without transferring to the Compensation to Victims of Crime Fund, where they could be used to support other victims. This delay hinders the efficient allocation of funds and leaves restitution unclaimed for an extended period.

S.B. 1666 would require:

A department, when transferring a restitution payment to the clerk of the court, to include the last known address of the victim.

Information regarding a restitution payment provided to the clerk be confidential.

Clerks to hold payments for victims for three years instead of five.

C.S.S.B. 1666 would:

Transfer unclaimed restitution payments with the Office of the Comptroller of Public Accounts of the State of Texas following the third anniversary of the date the clerk of the court received the initial payment or last issued a payment to the victim.

Require TDCJ to publish on its website the contact information of a designated staff member who can respond to inquiries from county officials regarding transferred restitution payments.

Eliminate the requirement for TDCJ to provide a record of prior restitution payments made to the victim.

S.B. 1666 amends current law relating to the payment of restitution.

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 493.035, Government Code, by adding Subsections (c-1), (c-2), and (c-3), as follows:

(c-1) Requires the Texas Department of Criminal Justice (TDCJ) to transfer to the clerk of the court that entered an order of restitution for which TDCJ received notice as described by Subsection (c)(1) (relating to requiring TDCJ to file a claim for unclaimed property only if TDCJ has received notification from a court) a restitution payment derived from unclaimed property for which a claim was filed by TDCJ as described by Subsection (a) (relating to requiring TDCJ to file a claim for unclaimed property on behalf of a criminal offense if the reported owner of the unclaimed property meets certain criteria). Requires TDCJ to include with the restitution payment the last known address of the victim available to TDCJ, if any.

(c-2) Requires TDCJ to post on TDCJ's Internet website the contact information for a TDCJ employee who is able to respond to inquiries from county officials regarding a transferred restitution payment.

(c-3) Provides that information provided to the clerk of a court under Subsection (c-1) is confidential and not subject to disclosure under Chapter 552 (Public Information).

SECTION 2. Amends Sections 508.322, Government Code, by amending Subsections (c) and (e) and adding Subsection (c-3), as follows:

(c) Requires TDCJ, when a parole panel orders the payment of restitution from a releasee as provided by Article 42.037(h) (relating to the required payment of restitution ordered under Article 42.037 (Restitution) as a condition of community supervision, parole, or mandatory supervision), Code of Criminal Procedure, to:

(1) makes no changes to this subdivision;

(2)-(3) makes nonsubstantive changes to these subdivisions; and

(4) provide at the time the payment is transmitted under Subdivision (3) (relating to the transmission of a payment of restitution to the clerk of the court that entered the order of restitution as soon as practicable for the clerk to remit the payment to the victim) to the clerk of the court that entered the order of restitution the last known address of the victim available to TDCJ, if any.

(c-3) Provides that information provided to a clerk of the court under Subsection (c)(4) is confidential and not subject to public disclosure under Chapter 552.

(e) Provides that, if a victim who is entitled to restitution does not make a claim for payment before the third, rather than fifth, 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, rather than five, years after the date the clerk last made a payment to the victim, any unclaimed restitution payments being held by the clerk for payment to the victim are presumed abandoned.

SECTION 3. Effective date: September 1, 2025.