

BILL ANALYSIS

Senate Research Center

S.B. 1666
By: Zaffirini
Criminal Justice
4/16/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2023 H.B. 3603 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 address these issues by requiring TDCJ to provide the last known address of the victim and a history of past payments when transferring restitution funds to court clerks. This information would be confidential and not subject to public disclosure, ensuring privacy protections for victims. What's more, S.B. 1666 would reduce the timeframe for unclaimed restitution funds to be transferred to the Compensation to Victims of Crime Fund from five years to three years, improving efficiency and ensuring unclaimed funds benefit crime victims more quickly.

By ensuring clerks receive the necessary victim information, reducing delays in unclaimed restitution transfers, and improving the overall efficiency of the restitution system, S.B. 1666 would strengthen victim compensation efforts and ensure that restitution payments fulfill their intended purpose.

As proposed, S.B. 1666 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 Article 42.037, Code of Criminal Procedure, by adding Subsection (y), as follows:

(y) Requires that any unclaimed restitution payments being held by the clerk of the court for payment to a victim who is entitled to restitution, 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, be transferred to the compensation to victims of crimes fund.

SECTION 2. Amends Section 493.035, Government Code, by adding Subsections (e), (f), and (g), as follows:

- (e) Requires the Texas Department of Criminal Justice (TDCJ), if TDCJ transfers a restitution payment to a county, to include the last known address of the victim.
- (f) Requires TDCJ transferring a restitution payment to the clerk to include a history of past payments made to the victim by TDCJ to include 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.
- (g) Provides that information provided to a clerk of the court under Subsections (e) and (f) is confidential and not subject to public disclosure under Chapter 552 (Public Information).

SECTION 3. 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)-(2) makes no changes to these subdivisions; and

(3) transmit the payment, a payment history described by 493.035(f), and the last known address of the victim 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.

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

(e) Requires that any unclaimed restitution payments being held by the clerk of the court for payment to a victim who is entitled to restitution, if the victim 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, be transferred to the compensation to victims of crimes fund.

Deletes existing text providing that any unclaimed restitution payments being held by the clerk of the court for payment to a victim who is entitled to restitution, under certain circumstances, are presumed abandoned. Deletes existing text requiring the clerk of the court to report and deliver to the Comptroller of Public Accounts of the State of Texas all unclaimed restitution payments presumed abandoned under Section 508.322 (Releasee Restitution Fund) in the manner provided by Chapter 77 (Report, Delivery, and Claims Process for Unclaimed Restitution Payments), Property Code.

SECTION 2. Effective date: September 1, 2025.