

BILL ANALYSIS

Senate Research Center
76R6093 JMC-D

C.S.S.B. 118
By: Harris
Jurisprudence
2/16/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law requires a person convicted of failing to pay child support to pay restitution directly to the eligible person. Payment made directly to a person, rather than through a local registry or the child support division of the Attorney Generals Office, will continue to reflect a person's delinquent status because there is no record of the payments. This bill would require a person who is both ordered by a court to pay child support and has been convicted of failure to pay that child support, to pay restitution directly to a local registry or the child support division.

PURPOSE

As proposed, C.S.S.B. 118 establishes provisions regarding the payment of restitution for the offense of criminal nonsupport of a child.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.025, as follows:

Art. 2.025. SPECIAL DUTY OF DISTRICT OR COUNTY ATTORNEY RELATING TO CHILD SUPPORT. Requires a district or county attorney to transfer money to the local registry or Title IV-D agency designated as the place of payment in a child support order, if the attorney receives payment as court-ordered child support from a person required by a court order to pay child support to the local registry or Title IV-D agency.

SECTION 2. Amends Article 42.037(g)(4), Code of Criminal Procedure, to require an order of restitution to require the defendant to make restitution directly to the victim or other eligible person, except as provided by Subsection (n).

SECTION 3. Amends Article 42.037, Code of Criminal Procedure, by adding Subsection (n), to set forth the manner of payment for a defendant that is convicted of or receives deferred adjudication for an offense under Section 25.05, Penal Code, if the defendant was supposed to pay child support to a local registry or Title IV-D agency, and if the court orders restitution.

SECTION 4. Makes application of Article 42.037, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.025, to require an

attorney, who receives court-ordered child support to turn the money over to the designated local registry or Title IV-D agency.

SECTION 2.

Redesignates SECTION 2 from a portion of existing SECTION 1.

SECTION 3.

Amends Article 42.037, Code of Criminal Procedure, by adding Subsection (n) to set forth the manner of payment for certain defendants to a local registry or Title IV-D agency under certain conditions.

SECTION 4.

Renumbers existing SECTION 2 as SECTION 4, and makes conforming changes.

SECTION 5.

Renumbers existing SECTION 3 as SECTION 5.

SECTION 6.

Renumbers existing SECTION 4 as SECTION 6.