

BILL ANALYSIS

Senate Research Center
81R3018 PEP-D

S.B. 411
By: Carona
Criminal Justice
2/26/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Code of Criminal Procedure authorizes the state to obtain a restitution lien to secure the amount of fines or costs assessed against a defendant in a judgment entered in connection with a felony case. The statute does not authorize the state to secure a restitution lien for the amount of fines and costs ordered to be paid in a misdemeanor case.

A restitution lien in favor of the state is a valuable tool that aids in the collection of fines and court costs owed by defendants who have been found guilty in criminal cases. It would benefit the state to have the authority to obtain a restitution lien in misdemeanor cases as well as felony cases.

As proposed, S.B. 411 amends the Code of Criminal Procedure to authorize the state to obtain a restitution lien in misdemeanor criminal cases.

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 2(b), Article 42.22, Code of Criminal Procedure, to provide that the state also has a restitution lien to secure the amount of fines or costs entered against a defendant in the judgment in a felony or misdemeanor criminal case. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.