

Brief

Testimony on House Bill 1751 to the
Senate Criminal Justice Committee
Requiring Restitution
By Marc Levin

I am pleased to appear before Chairman Whitmire and this distinguished committee.

I am the Director of the Center for Effective Justice at the Texas Public Policy Foundation, a non-profit, non-partisan research institute guided by the core principles of limited government, free markets, private property rights, individual liberty and personal responsibility. The Center develops and promotes public policy approaches that repair the harm done to victims, reduce recidivism, minimize the costs to the taxpayer, and avoid the excessive use of criminal law.

We believe that, by making restitution a mandatory rather than an optional part of sentencing, this bill recognizes the paramount importance of compensating crime victims for the harm they have suffered.

We also strongly support the idea embodied in this bill that inability to pay should no longer be considered in ordering restitution, but rather

only in setting the schedule of payments, as a criminal's financial circumstances can change over time.

Even while making restitution mandatory, this bill provides plenty of discretion for judges in determining the amount of restitution based on the relevant factors in the case. It also appropriately provides for restitution in the form of services or to an organization designated by the victim.

In sum, we think this bill will benefit victims and help criminals better appreciate the harm they have done by forcing them to pay for it to the extent that it can be financially recompensed.

Thanks very much for your consideration and I would be pleased to answer any questions you might have.