



Testimony

Testimony to the Criminal Jurisprudence Subcommittee on Criminal Procedure (HB 2373 & HJR 80)

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Garnishment is Justified

The Constitution currently permits garnishment only for child support. Money owed by an offender to compensate his victim is as important as child support.

Garnishment is Needed to Increase Restitution Collections

Currently, less than half of all court-ordered restitution in Texas is actually collected. Probation departments often emphasize the collection of fees over restitution payments.

The *Houston Press* reported earlier this year that only 5 percent of discharged parolees in the Houston area had fully paid their restitution obligations. Statewide, 90.3 percent of parolees who were successfully discharged from 2003 to 2008 still owe their victims restitution. Fewer than 10 percent paid off all their restitution. Out of the more than \$43 million those discharged parolees were ordered to pay, the parole division only collected 5.3 percent of it, or \$2.3 million.

Without garnishment, victims have little recourse, particularly once offenders are discharged from probation or parole. Victims can file a restitution lien, but offenders can exempt up to \$30,000 of property if single and \$60,000 if married. Consequently, garnishment is the best solution for victims.

Garnishment Can Reduce Probation and Parole Costs

With garnishment, early discharge from probation and parole may be more likely to be given when the only issue that remains is restitution and the offender is not a public safety risk. Judges and parole officers can be confident that restitution will be fully collected if there is a garnishment order in place. The result would be fewer people on probation and parole and lower costs to taxpayers.

Bill Has No Fiscal Note and Would Not Burden Employers

The bill has no fiscal note and would not unduly burden employers who are already accustomed to withholding child support. 