

By: Metcalf

H.B. No. 978

A BILL TO BE ENTITLED

AN ACT

1
2 relating to authorizing the comptroller to release a reported
3 owner's unclaimed property to the owner's crime victim in certain
4 circumstances.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 493, Government Code, is amended by
7 adding Section 493.034 to read as follows:

8 Sec. 493.034. UNCLAIMED PROPERTY CLAIMS FILED ON BEHALF OF
9 CRIME VICTIMS. (a) The department shall file a claim for unclaimed
10 property under Section 74.501, Property Code, on behalf of a victim
11 of a criminal offense if the reported owner of the unclaimed
12 property:

13 (1) was finally convicted of the criminal offense in
14 this state; and

15 (2) based on the final conviction:

16 (A) owes criminal restitution to the victim; and

17 (B) on the date the claim is submitted, is
18 incarcerated in the custody of this state.

19 (b) The department shall determine annually from the list
20 published by the comptroller under Section 74.307, Property Code,
21 and information in the department's possession the claims that the
22 department is required to file under Subsection (a).

23 (c) The department may adopt rules necessary to administer
24 this section.

1 SECTION 2. Section 74.501(e), Property Code, as amended by
2 Chapters 267 (S.B. 1420) and 897 (H.B. 3598), Acts of the 86th
3 Legislature, Regular Session, 2019, is reenacted and amended to
4 read as follows:

5 (e) Except as provided by Subsections [~~Subsection~~] (f) and
6 (g) and [~~or~~] Section 551.051, Estates Code, the comptroller may not
7 pay to the following persons a claim to which this section applies:

8 (1) a creditor, a judgment creditor, a lienholder, or
9 an assignee of the reported owner or of the owner's heirs;

10 (2) a person holding a power of attorney from the
11 reported owner or the owner's heirs; or

12 (3) a person attempting to make a claim on behalf of a
13 corporation that was previously forfeited, dissolved, or
14 terminated, if the comptroller finds that:

15 (A) the corporation was revived for the purpose
16 of making a claim under this section; and

17 (B) the person submitting the claim was not an
18 authorized representative of the corporation at the time of the
19 corporation's forfeiture, dissolution, or termination.

20 SECTION 3. Section 74.501, Property Code, is amended by
21 adding Subsection (g) to read as follows:

22 (g) The comptroller may approve a claim for unclaimed
23 property that complies with Section 493.034, Government Code,
24 submitted under this subsection by the Texas Department of Criminal
25 Justice on behalf of a victim of a criminal offense for which the
26 reported owner of the unclaimed property was finally convicted.

27 SECTION 4. The change in law made by this Act applies only

1 to a claim filed under Section 74.501, Property Code, on or after
2 the effective date of this Act. A claim filed under that section
3 before the effective date of this Act is governed by the law in
4 effect immediately before the effective date of this Act, and that
5 law is continued in effect for that purpose.

6 SECTION 5. To the extent of any conflict, this Act prevails
7 over another Act of the 87th Legislature, Regular Session, 2021,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

10 SECTION 6. This Act takes effect September 1, 2021.