

1-1 By: Metcalf (Senate Sponsor - Zaffirini) H.B. No. 978
1-2 (In the Senate - Received from the House April 23, 2021;
1-3 May 10, 2021, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2021, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13			X	
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to authorizing the comptroller to release a reported
1-18 owner's unclaimed property to the owner's crime victim in certain
1-19 circumstances and payment by the Texas Department of Criminal
1-20 Justice of certain amounts owed by an inmate.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 493, Government Code, is amended by
1-23 adding Section 493.034 to read as follows:

1-24 Sec. 493.034. UNCLAIMED PROPERTY CLAIMS FILED ON BEHALF OF
1-25 CRIME VICTIMS. (a) The department shall file a claim for unclaimed
1-26 property under Section 74.501, Property Code, on behalf of a victim
1-27 of a criminal offense if the reported owner of the unclaimed
1-28 property:

1-29 (1) was finally convicted of the criminal offense in
1-30 this state; and

1-31 (2) based on the final conviction:

1-32 (A) was ordered to pay criminal restitution to
1-33 the victim; and

1-34 (B) on the date the claim is submitted, is
1-35 confined in a facility operated by or under contract with the
1-36 department.

1-37 (b) The department shall quarterly send to the comptroller a
1-38 data set regarding confined inmates to initiate the filing and
1-39 facilitate the approval of the claims submitted under Subsection
1-40 (a).

1-41 (c) The department must file a claim under this section only
1-42 if the department has:

1-43 (1) received notification from a court under Section
1-44 501.014(e); and

1-45 (2) confirmed with the county the amount of
1-46 outstanding restitution owed before filing the claim if the
1-47 department finds the confirmation to be necessary.

1-48 (d) The department may adopt rules necessary to administer
1-49 this section.

1-50 SECTION 2. Section 501.014, Government Code, is amended by
1-51 amending Subsection (e) and adding Subsection (e-1) to read as
1-52 follows:

1-53 (e) On notification by a court, the department shall
1-54 withdraw from an inmate's account any amount the inmate is ordered
1-55 to pay by order of the court under this subsection. On receipt of a
1-56 valid court order requiring an inmate to pay child support, the
1-57 department shall withdraw the appropriate amount from the inmate's
1-58 account under this subsection, regardless of whether the court
1-59 order is provided by the court or another person. The department
1-60 shall make a payment under this subsection [~~as ordered by the court~~]
1-61 to either the court or the party specified in the court order. The

2-1 department is not liable for withdrawing or failing to withdraw
2-2 money or making payments or failing to make payments under this
2-3 subsection. The department shall make withdrawals and payments from
2-4 an inmate's account under this subsection according to the
2-5 following schedule of priorities:

- 2-6 (1) as payment in full for all orders for child
- 2-7 support;
- 2-8 (2) as payment in full for all orders for restitution;
- 2-9 (3) as payment in full for all orders for
- 2-10 reimbursement of the Health and Human Services Commission for
- 2-11 financial assistance provided for the child's health needs under
- 2-12 Chapter 31, Human Resources Code, to a child of the inmate;
- 2-13 (4) as payment in full for all orders for court fees
- 2-14 and costs;
- 2-15 (5) as payment in full for all orders for fines; and
- 2-16 (6) as payment in full for any other court order,
- 2-17 judgment, or writ.

2-18 (e-1) Notification from a court under Subsection (e) of an
2-19 order for restitution must specify the amount of restitution owed
2-20 on the date of notification.

2-21 SECTION 3. Section 74.501(e), Property Code, as amended by
2-22 Chapters 267 (S.B. 1420) and 897 (H.B. 3598), Acts of the 86th
2-23 Legislature, Regular Session, 2019, is reenacted and amended to
2-24 read as follows:

2-25 (e) Except as provided by Subsections [~~Subsection~~] (f) and
2-26 (g) and ~~or~~ Section 551.051, Estates Code, the comptroller may not
2-27 pay to the following persons a claim to which this section applies:

- 2-28 (1) a creditor, a judgment creditor, a lienholder, or
- 2-29 an assignee of the reported owner or of the owner's heirs;
- 2-30 (2) a person holding a power of attorney from the
- 2-31 reported owner or the owner's heirs; or
- 2-32 (3) a person attempting to make a claim on behalf of a
- 2-33 corporation that was previously forfeited, dissolved, or
- 2-34 terminated, if the comptroller finds that:

2-35 (A) the corporation was revived for the purpose
2-36 of making a claim under this section; and

2-37 (B) the person submitting the claim was not an
2-38 authorized representative of the corporation at the time of the
2-39 corporation's forfeiture, dissolution, or termination.

2-40 SECTION 4. Section 74.501, Property Code, is amended by
2-41 adding Subsection (g) to read as follows:

2-42 (g) The comptroller may approve a claim for unclaimed
2-43 property that complies with Section 493.034, Government Code.

2-44 SECTION 5. Article 42.037, Code of Criminal Procedure, is
2-45 amended by adding Subsection (w) to read as follows:

2-46 (w) A county shall accept a restitution payment received
2-47 from the Texas Department of Criminal Justice under Section
2-48 493.034, Government Code, and forward the payment to the victim or
2-49 other person eligible for restitution under this article, including
2-50 the compensation to victims of crime fund. The county shall return
2-51 to the department any amount in excess of the balance owed to the
2-52 victim.

2-53 SECTION 6. The change in law made by this Act applies only
2-54 to a claim filed under Section 74.501, Property Code, on or after
2-55 the effective date of this Act. A claim filed under that section
2-56 before the effective date of this Act is governed by the law in
2-57 effect immediately before the effective date of this Act, and that
2-58 law is continued in effect for that purpose.

2-59 SECTION 7. To the extent of any conflict, this Act prevails
2-60 over another Act of the 87th Legislature, Regular Session, 2021,
2-61 relating to nonsubstantive additions to and corrections in enacted
2-62 codes.

2-63 SECTION 8. This Act takes effect September 1, 2021.

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