

By: Cunningham

H.B. No. 1094

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disposition of abandoned or unclaimed property
3 seized by a peace officer.

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

5 SECTION 1. Articles 18.17(a), (b), (c), and (d), Code of
6 Criminal Procedure, are amended to read as follows:

7 (a) All unclaimed or abandoned personal property of every
8 kind, other than contraband subject to forfeiture under Chapter 59
9 and whiskey, wine and malt beverages, seized by any peace officer in
10 this state [~~the State of Texas~~] which is not held as evidence to be
11 used in any pending case and has not been ordered destroyed or
12 returned to the person entitled to possession of the same by a
13 magistrate, which shall remain unclaimed for a period of 30 days
14 shall be delivered for disposition to a person designated by the
15 municipality or the purchasing agent of the county in which the
16 property was seized. If a peace officer of a municipality seizes the
17 property, the peace officer shall deliver the property to a person
18 designated by the municipality. If any other peace officer seizes
19 the property, the peace officer shall deliver the property to the
20 purchasing agent of the county. If the county has no purchasing
21 agent, then the [~~such~~] property shall be disposed of by the sheriff
22 of the county.

23 (b) The county purchasing agent, the person designated by
24 the municipality, or the sheriff of the county, as the case may be,

1 shall mail a notice to the last known address of the owner of the
2 ~~[such]~~ property by certified mail or place a one-time notice on the
3 Internet website and social networking website of the law
4 enforcement agency that seized the property. The ~~[Such]~~ notice must
5 ~~[shall]~~ describe the property being held, give the name and address
6 of the officer holding the ~~[such]~~ property, and ~~[shall]~~ state that
7 if the owner does not claim the ~~[such]~~ property before the 90th day
8 after ~~[within 90 days from]~~ the date of the notice, the ~~[such]~~
9 property will be disposed of and the proceeds, after deducting the
10 reasonable expense of keeping the ~~[such]~~ property and the costs of
11 the disposition, placed in the treasury of the municipality or
12 county giving the notice.

13 (c) If the property has a fair market value of \$500 or more
14 and the owner or the address of the owner is unknown, the person
15 designated by the municipality, the county purchasing agent, or the
16 sheriff, as the case may be, shall publish a notice ~~[cause to be~~
17 ~~published]~~ once in a paper of general circulation in the
18 municipality or county or place a one-time notice on the Internet
19 website and social networking website of the law enforcement agency
20 that seized the property. The notice must contain ~~[containing]~~ a
21 general description of the property held, the name of the owner if
22 known, the name and address of the officer holding the ~~[such]~~
23 property, and a statement that if the owner does not claim the
24 ~~[such]~~ property before the 90th day after ~~[within 90 days from]~~ the
25 date of the notice, the ~~[publication such]~~ property will be
26 disposed of and ~~[the proceeds]~~, after deducting the reasonable
27 expense of keeping the ~~[such]~~ property and the costs of the

1 disposition, any proceeds from a sale deposited [~~placed~~] in the
2 treasury of the municipality or county selling [~~disposing of~~] the
3 property. If the property has a fair market value of less than \$500
4 and the owner or the address of the owner is unknown, the person
5 designated by the municipality, the county purchasing agent, or the
6 sheriff may sell or donate the property. The person designated by
7 the municipality, the purchasing agent, or the sheriff shall
8 deposit [~~the sale proceeds~~], after deducting the reasonable expense
9 of keeping the property and costs of the disposition [~~sale~~], any
10 proceeds from a sale in the treasury of the municipality or county
11 selling [~~or donating~~] the property.

12 (d) The sale under this article of any property that has a
13 fair market value of \$500 or more shall be preceded by a notice
14 published once at least 14 days before [~~prior to~~] the date of the
15 [~~such~~] sale in a newspaper of general circulation in the
16 municipality or county where the sale is to take place or placed
17 once on the Internet website and social networking website of the
18 law enforcement agency that seized the property at least 14 days
19 before the date of the sale. The notice must state [~~, stating~~] the
20 general description of the property, the name [~~names~~] of the owner
21 if known, and the date and place that the [~~such~~] sale will occur.
22 This article does not require disposition by sale.

23 SECTION 2. Article 18.17, Code of Criminal Procedure, as
24 amended by this Act, applies to personal property seized by a peace
25 officer on or after the effective date of this Act. Personal
26 property seized before the effective date of this Act is governed by
27 the law in effect on the date the property was seized, and the

1 former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2023.