

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  
10 in this state [~~the State of Texas~~] which is not held as evidence to  
11 be 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  
17 the property, the peace officer shall deliver the property to a  
18 person designated by the municipality. If any other peace officer  
19 seizes the property, the peace officer shall deliver the property  
20 to the purchasing agent of the county. If the county has no  
21 purchasing agent, then the [~~such~~] property shall be disposed of by  
22 the sheriff 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  
5 must ~~[shall]~~ describe the property being held, give the name and  
6 address of the officer holding the ~~[such]~~ property, and ~~[shall]~~  
7 state that if the owner does not claim the ~~[such]~~ property before  
8 the 90th day after ~~[within 90 days from]~~ the date of the notice, the  
9 ~~[such]~~ property will be disposed of and the proceeds, after  
10 deducting the reasonable expense of keeping the ~~[such]~~ property and  
11 the costs of the disposition, placed in the treasury of the  
12 municipality or 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.