

By: Metcalf

H.B. No. 1221

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 and payment by the Texas Department of Criminal
5 Justice of certain amounts owed by an inmate.

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

7 SECTION 1. Chapter 493, Government Code, is amended by
8 adding Section 493.035 to read as follows:

9 Sec. 493.035. UNCLAIMED PROPERTY CLAIMS FILED ON BEHALF OF
10 CRIME VICTIMS. (a) The department shall file a claim for unclaimed
11 property under Section 74.501, Property Code, on behalf of a victim
12 of a criminal offense if the reported owner of the unclaimed
13 property:

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

16 (2) based on the final conviction:

17 (A) was ordered to pay criminal restitution to
18 the victim; and

19 (B) on the date the claim is submitted, is
20 confined in a facility operated by or under contract with the
21 department.

22 (b) The department shall quarterly send to the comptroller a
23 data set regarding confined inmates to initiate the filing and
24 facilitate the approval of the claims submitted under Subsection

1 (a).

2 (c) The department must file a claim under this section only
3 if the department has:

4 (1) received notification from a court under Section
5 501.014(e); and

6 (2) confirmed with the county the amount of
7 outstanding restitution owed before filing the claim if the
8 department finds the confirmation to be necessary.

9 (d) The department may adopt rules necessary to administer
10 this section.

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

14 (e) On notification by a court, the department shall
15 withdraw from an inmate's account any amount the inmate is ordered
16 to pay by order of the court under this subsection. On receipt of a
17 valid court order requiring an inmate to pay child support, the
18 department shall withdraw the appropriate amount from the inmate's
19 account under this subsection, regardless of whether the court
20 order is provided by the court or another person. The department
21 shall make a payment under this subsection [~~as ordered by the court~~]
22 to either the court or the party specified in the court order. The
23 department is not liable for withdrawing or failing to withdraw
24 money or making payments or failing to make payments under this
25 subsection. The department shall make withdrawals and payments
26 from an inmate's account under this subsection according to the
27 following schedule of priorities:

1 (1) as payment in full for all orders for child
2 support;

3 (2) as payment in full for all orders for restitution;

4 (3) as payment in full for all orders for
5 reimbursement of the Health and Human Services Commission for
6 financial assistance provided for the child's health needs under
7 Chapter 31, Human Resources Code, to a child of the inmate;

8 (4) as payment in full for all orders for court fees
9 and costs;

10 (5) as payment in full for all orders for fines; and

11 (6) as payment in full for any other court order,
12 judgment, or writ.

13 (e-1) Notification from a court under Subsection (e) of an
14 order for restitution must specify the amount of restitution owed
15 on the date of notification.

16 SECTION 3. Section 74.501, Property Code, is amended by
17 amending Subsection (e) and adding Subsection (g) to read as
18 follows:

19 (e) Except as provided by Subsection (d)(7), ~~(f)~~, or
20 (g) or Section 551.051, Estates Code, the comptroller may not pay to
21 the following persons a claim to which this section applies:

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

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

26 (3) a person attempting to make a claim on behalf of a
27 corporation that was previously forfeited, dissolved, or

1 terminated, if the comptroller finds that:

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

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

7 (g) The comptroller may approve a claim for unclaimed
8 property that complies with Section 493.035, Government Code.

9 SECTION 4. Article 42.037, Code of Criminal Procedure, is
10 amended by adding Subsection (x) to read as follows:

11 (x) A county shall accept a restitution payment received
12 from the Texas Department of Criminal Justice under Section
13 493.035, Government Code, and forward the payment to the victim or
14 other person eligible for restitution under this article, including
15 the compensation to victims of crime fund. The county shall return
16 to the department any amount in excess of the balance owed to the
17 victim.

18 SECTION 5. The change in law made by this Act applies only
19 to a claim filed under Section 74.501, Property Code, on or after
20 the effective date of this Act. A claim filed under that section
21 before the effective date of this Act is governed by the law in
22 effect immediately before the effective date of this Act, and that
23 law is continued in effect for that purpose.

24 SECTION 6. This Act takes effect September 1, 2023.