

By: Perry, Hinojosa

S.B. No. 658

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of money from certain attorney accounts delivered to the comptroller as unclaimed property.

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

SECTION 1. Section 74.602, Property Code, is amended to read as follows:

Sec. 74.602. USE OF MONEY. Except as provided by Section 381.004, Local Government Code, and Section 74.604 the comptroller shall use the unclaimed money received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller to pay the claims of persons or states establishing ownership of property in the possession of the comptroller under this chapter or under any other unclaimed property or escheat statute.

SECTION 2. Subchapter G, Chapter 74, Property Code, is amended by adding Section 74.604 to read as follows:

Sec. 74.604. DISPOSITION OF MONEY DELIVERED TO COMPTROLLER FROM CERTAIN ATTORNEY ACCOUNTS. (a) In this section, "IOLTA account" means an account established as required by the Interest on Lawyers' Trust Accounts Program administered by the Texas Access to Justice Foundation under supreme court rule.

(b) Except as provided by Subsection (c), this section applies to money delivered to the comptroller under Section 74.301 as:

1 (1) unclaimed or unidentified money in a client trust
2 account established by an attorney or law firm; or

3 (2) money in an abandoned IOLTA account.

4 (c) This section does not apply to money paid or delivered
5 to a reported owner by the comptroller under Section 74.503.

6 (d) Notwithstanding any other law, the comptroller shall
7 deposit money to which this section applies to the credit of the
8 basic civil legal services account of the judicial fund. Except as
9 provided by Subsection (e), money deposited to the credit of the
10 basic civil legal services account under this section may be
11 appropriated only to the supreme court for use in programs approved
12 by the supreme court that provide basic civil legal services to
13 indigent persons.

14 (e) If the comptroller pays a claim for money deposited to
15 the credit of the basic civil legal services account under
16 Subsection (d), the supreme court shall reimburse the comptroller
17 from the account for the amount of the claim. The supreme court may
18 use money deposited under Subsection (d) to reimburse the
19 comptroller.

20 (f) The comptroller and the supreme court may adopt rules
21 necessary to implement this section.

22 SECTION 3. (a) The changes in law made by this Act apply to
23 money described by Section 74.604(b), Property Code, as added by
24 this Act, that was delivered to the comptroller of public accounts
25 under Section 74.301, Property Code, on, before, or after the
26 effective date of this Act.

27 (b) As soon as practicable after the effective date of this

1 Act, the comptroller of public accounts shall identify money
2 described by Subsection (a) of this section that was delivered to
3 the comptroller of public accounts before the effective date of
4 this Act and for which a claim has not been paid by the comptroller
5 and that has not otherwise been paid or delivered to a reported
6 owner by the comptroller under Subchapter F, Chapter 74, Property
7 Code, and deposit the money to the credit of the basic civil legal
8 services account in the judicial fund in accordance with Section
9 74.604(d), Property Code, as added by this Act.

10 SECTION 4. This Act takes effect September 1, 2023.