

1-1 By: Perry, Hinojosa S.B. No. 658
1-2 (In the Senate - Filed January 27, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 28, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 28, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

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

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 658 By: Johnson

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

1-17 relating to the disposition of money from certain attorney accounts
1-18 delivered to the comptroller as unclaimed property.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 74.602, Property Code, is amended to
1-21 read as follows:

1-22 Sec. 74.602. USE OF MONEY. Except as provided by Section
1-23 381.004, Local Government Code, and Section 74.604 the comptroller
1-24 shall use the unclaimed money received under this chapter or any
1-25 other statute requiring the delivery of unclaimed property to the
1-26 comptroller to pay the claims of persons or states establishing
1-27 ownership of property in the possession of the comptroller under
1-28 this chapter or under any other unclaimed property or escheat
1-29 statute.

1-30 SECTION 2. Subchapter G, Chapter 74, Property Code, is
1-31 amended by adding Section 74.604 to read as follows:

1-32 Sec. 74.604. DISPOSITION OF MONEY DELIVERED TO COMPTROLLER
1-33 FROM CERTAIN ATTORNEY ACCOUNTS. (a) In this section, "IOLTA
1-34 account" means an account established as required by the Interest
1-35 on Lawyers' Trust Accounts Program administered by the Texas Access
1-36 to Justice Foundation under supreme court rule.

1-37 (b) Except as provided by Subsection (c), this section
1-38 applies to money delivered to the comptroller under Section 74.301
1-39 as:

1-40 (1) unclaimed or unidentified money in a client trust
1-41 account established by an attorney or law firm; or

1-42 (2) money in an abandoned IOLTA account.

1-43 (c) This section does not apply to money paid or delivered
1-44 to a reported owner by the comptroller under Section 74.503.

1-45 (d) Notwithstanding any other law, the comptroller shall
1-46 deposit money to which this section applies to the credit of the
1-47 basic civil legal services account of the judicial fund. Except as
1-48 provided by Subsection (e), money deposited to the credit of the
1-49 basic civil legal services account under this section may be
1-50 appropriated only to the supreme court for use in programs approved
1-51 by the supreme court that provide basic civil legal services to
1-52 indigent persons.

1-53 (e) If the comptroller pays a claim for money deposited to
1-54 the credit of the basic civil legal services account under
1-55 Subsection (d), the supreme court shall reimburse the comptroller
1-56 from the account for the amount of the claim. The supreme court may
1-57 use money deposited under Subsection (d) to reimburse the
1-58 comptroller.

1-59 (f) The comptroller and the supreme court may adopt rules
1-60 necessary to implement this section.

2-1 SECTION 3. (a) The changes in law made by this Act apply to
2-2 money described by Section 74.604(b), Property Code, as added by
2-3 this Act, that was delivered to the comptroller of public accounts
2-4 under Section 74.301, Property Code, on, before, or after the
2-5 effective date of this Act.

2-6 (b) As soon as practicable after the effective date of this
2-7 Act, the comptroller of public accounts shall identify money
2-8 described by Subsection (a) of this section that was delivered to
2-9 the comptroller of public accounts before the effective date of
2-10 this Act and for which a claim has not been paid by the comptroller
2-11 and that has not otherwise been paid or delivered to a reported
2-12 owner by the comptroller under Subchapter F, Chapter 74, Property
2-13 Code, and deposit the money to the credit of the basic civil legal
2-14 services account in the judicial fund in accordance with Section
2-15 74.604(d), Property Code, as added by this Act.

2-16 SECTION 4. This Act takes effect September 1, 2023.

2-17

* * * * *