

By: Murphy

H.B. No. 884

Substitute the following for H.B. No. 884:

By: Herrero

C.S.H.B. No. 884

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the disposition of abandoned or unclaimed property  
3 seized at the time of certain arrests.

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

5 SECTION 1. Article 18.17, Code of Criminal Procedure, is  
6 amended by adding Subsections (d-1) and (d-2) to read as follows:

7 (d-1) Notwithstanding Subsection (a), (b), (c), or (d), if  
8 property described by Subsection (a), other than money, is seized  
9 by a peace officer at the time the owner of the property is arrested  
10 for an offense punishable as a Class C misdemeanor, the law  
11 enforcement agency may provide notice to the owner at the time the  
12 owner is taken into or released from custody. On receiving the  
13 notice, the owner must sign the notice and attach a thumbprint to  
14 the notice. The notice must include:

15 (1) a description of the property being held;  
16 (2) the address where the property is being held; and  
17 (3) a statement that if the owner does not claim the  
18 property before the 31st day after the date the owner is released  
19 from custody, the property will be disposed of and the proceeds of  
20 the property, after deducting the reasonable expense of keeping and  
21 disposing of the property, will be placed in the treasury of the  
22 municipality or county providing the notice.

23 (d-2) If the property for which notice is provided under  
24 Subsection (d-1) is not claimed by the owner before the 31st day

1 after the date the owner is released from custody, the law  
2 enforcement agency holding the property shall deliver the property  
3 for disposition to a person designated by the municipality or to the  
4 purchasing agent or sheriff of the county in which the property was  
5 seized, as applicable. The person designated by the municipality,  
6 the purchasing agent, or the sheriff may sell or donate the property  
7 without mailing or publishing an additional notice as required by  
8 Subsection (b), (c), or (d). The sale proceeds, after deducting the  
9 reasonable expense of keeping and disposing of the property, must  
10 be deposited in the treasury of the municipality or county  
11 disposing of the property.

12 SECTION 2. Article 18.17, Code of Criminal Procedure, as  
13 amended by this Act, applies to personal property seized or taken  
14 into custody on or after the effective date of this Act. Personal  
15 property seized or taken into custody before the effective date of  
16 this Act is governed by the law in effect on the date the property is  
17 seized or taken into custody, and the former law is continued in  
18 effect for that purpose.

19 SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2013.