

By: Wu

H.B. No. 2857

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.

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

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

(d-1) Notwithstanding Subsection (a), (b), (c), or (d), if property described by Subsection (a), other than money, is seized by a peace officer at the time the owner of the property is arrested for an offense punishable as a Class C misdemeanor, the peace officer may provide notice to the owner at the time the owner is released from custody. The notice must:

(1) be signed by the owner on receipt;

(2) describe the property being held;

(3) state the name and address of the officer holding the property; and

(4) state that if the owner does not claim the property before the 61st day after the date the owner signs the notice, the property will be disposed of and the proceeds of the property, after deducting the reasonable expense of keeping and disposing of the property, will be placed in the treasury of the municipality or county providing the notice.

(d-2) If the property for which notice is provided under Subsection (d-1) is not claimed by the owner before the 61st day

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

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

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