

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 law enforcement agency may provide notice to the owner at the time the owner is taken into or released from custody. On receiving the notice, the owner must sign the notice and attach a thumbprint to the notice. The notice must include:

- (1) a description of the property being held;
- (2) the address where the property is being held; and
- (3) a statement that if the owner does not claim the property before the 31st day after the date the owner is released from custody, 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 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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 367 passed the Senate on March 27, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 8, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 367 passed the House, with amendment, on May 1, 2013, by the following vote: Yeas 140, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor