

By: Whitmire

S.B. No. 367

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 a misdemeanor offense, the peace officer may provide notice to
11 the owner at the time the owner is released from custody. The
12 notice must:

13 (1) be signed by the owner on receipt;
14 (2) describe the property being held;
15 (3) state the name and address of the officer holding
16 the property; and

17 (4) state that if the owner does not claim the property
18 before the 31st day after the date the owner signs the notice, the
19 property will be disposed of and the proceeds of the property, after
20 deducting the reasonable expense of keeping and disposing of the
21 property, will be placed in the treasury of the municipality or
22 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 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.