

1-1 By: Whitmire S.B. No. 367
 1-2 (In the Senate - Filed February 4, 2013; February 11, 2013,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 20, 2013, reported favorably by the following vote: Yeas 5,
 1-5 Nays 0; March 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13	X			
1-14	X			

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

1-17 relating to the disposition of abandoned or unclaimed property
 1-18 seized at the time of certain arrests.

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

1-20 SECTION 1. Article 18.17, Code of Criminal Procedure, is
 1-21 amended by adding Subsections (d-1) and (d-2) to read as follows:

1-22 (d-1) Notwithstanding Subsection (a), (b), (c), or (d), if
 1-23 property described by Subsection (a), other than money, is seized
 1-24 by a peace officer at the time the owner of the property is arrested
 1-25 for a misdemeanor offense, the peace officer may provide notice to
 1-26 the owner at the time the owner is released from custody. The
 1-27 notice must:

1-28 (1) be signed by the owner on receipt;
 1-29 (2) describe the property being held;
 1-30 (3) state the name and address of the officer holding
 1-31 the property; and

1-32 (4) state that if the owner does not claim the property
 1-33 before the 31st day after the date the owner signs the notice, the
 1-34 property will be disposed of and the proceeds of the property, after
 1-35 deducting the reasonable expense of keeping and disposing of the
 1-36 property, will be placed in the treasury of the municipality or
 1-37 county providing the notice.

1-38 (d-2) If the property for which notice is provided under
 1-39 Subsection (d-1) is not claimed by the owner before the 31st day
 1-40 after the date the owner signed the notice, the peace officer shall
 1-41 deliver the property for disposition to a person designated by the
 1-42 municipality or to the purchasing agent or sheriff of the county in
 1-43 which the property was seized, as applicable. The person
 1-44 designated by the municipality, the purchasing agent, or the
 1-45 sheriff may sell or donate the property without mailing or
 1-46 publishing an additional notice as required by Subsection (b), (c),
 1-47 or (d). The sale proceeds, after deducting the reasonable expense
 1-48 of keeping and disposing of the property, must be deposited in the
 1-49 treasury of the municipality or county disposing of the property.

1-50 SECTION 2. Article 18.17, Code of Criminal Procedure, as
 1-51 amended by this Act, applies to personal property seized or taken
 1-52 into custody on or after the effective date of this Act. Personal
 1-53 property seized or taken into custody before the effective date of
 1-54 this Act is governed by the law in effect on the date the property is
 1-55 seized or taken into custody, and the former law is continued in
 1-56 effect for that purpose.

1-57 SECTION 3. This Act takes effect immediately if it receives
 1-58 a vote of two-thirds of all the members elected to each house, as
 1-59 provided by Section 39, Article III, Texas Constitution. If this
 1-60 Act does not receive the vote necessary for immediate effect, this
 1-61 Act takes effect September 1, 2013.

1-62 * * * * *