

BILL ANALYSIS

C.S.H.B. 1272
By: Schofield
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, counties are required to hold personal property for at least three years before the property may be presumed abandoned. Interested parties assert that the minimum three-year requirement places an undue burden and cost on the counties and that, while the number of unclaimed items may not be overwhelming, storing bicycles, books, articles of clothing, or any other unclaimed items takes up valuable space and, after three years, many of the items become obsolete or worthless. C.S.H.B. 1272 seeks to allow counties to process abandoned tangible personal property in a more timely manner.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1272 amends the Property Code to establish that tangible personal property that is found on county land or in a county park, facility, or right-of-way is presumed abandoned if, for longer than 120 days, the personal property is held by the county, the existence and location of the owner of the personal property is unknown to the county, and, according to the knowledge and records of the county, a claim to the personal property has not been asserted or an act of ownership of the personal property has not been exercised.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1272 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 72.101(a), Property Code, is amended.	SECTION 1. Same as introduced version.

SECTION 2. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.104 to read as follows:

Sec. 72.104. TANGIBLE PERSONAL PROPERTY HELD BY COUNTY.

Tangible personal property that is found on county land or in a county park, facility, or right-of-way is presumed abandoned if, for longer than 60 days:

- (1) the personal property is held by the county;
- (2) the existence and location of the owner of the personal property is unknown to the county; and
- (3) according to the knowledge and records of the county, a claim to the personal property has not been asserted or an act of ownership of the personal property has not been exercised.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 2. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.104 to read as follows:

Sec. 72.104. TANGIBLE PERSONAL PROPERTY HELD BY COUNTY.

Tangible personal property that is found on county land or in a county park, facility, or right-of-way is presumed abandoned if, for longer than 120 days:

- (1) the personal property is held by the county;
- (2) the existence and location of the owner of the personal property is unknown to the county; and
- (3) according to the knowledge and records of the county, a claim to the personal property has not been asserted or an act of ownership of the personal property has not been exercised.

SECTION 3. Same as introduced version.