

1-1 By: Buckingham S.B. No. 631
 1-2 (In the Senate - Filed January 26, 2017; February 13, 2017,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 May 3, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; May 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman			X	
1-9 Birdwell	X			
1-10 Burton			X	
1-11 Creighton			X	
1-12 Garcia	X			
1-13 Hughes	X			
1-14 Menéndez	X			
1-15 Perry	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to venue for the disposition of stolen property.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Articles 47.01a(a) and (d), Code of Criminal
 1-22 Procedure, are amended to read as follows:
 1-23 (a) If a criminal action relating to allegedly stolen
 1-24 property is not pending, a district judge, county court judge,
 1-25 statutory county court judge, or justice of the peace having
 1-26 jurisdiction as a magistrate in the county in which the property is
 1-27 held or in which the property was alleged to have been stolen or a
 1-28 municipal judge having jurisdiction as a magistrate in the
 1-29 municipality in which the property is being held or in which the
 1-30 property was alleged to have been stolen may hold a hearing to
 1-31 determine the right to possession of the property, upon the
 1-32 petition of an interested person, a county, a city, or the state.
 1-33 Jurisdiction under this article [~~section~~] is based solely on
 1-34 jurisdiction as a criminal magistrate under this code and not
 1-35 jurisdiction as a civil court. The court shall:
 1-36 (1) order the property delivered to whoever has the
 1-37 superior right to possession, without conditions; [~~or~~]
 1-38 (2) on the filing of a written motion before trial by
 1-39 an attorney representing the state, order the property delivered to
 1-40 whoever has the superior right to possession, subject to the
 1-41 condition that the property be made available to the prosecuting
 1-42 authority should it be needed in future prosecutions; or
 1-43 (3) order the property awarded to the custody of the
 1-44 peace officer, pending resolution of criminal investigations
 1-45 regarding the property.
 1-46 (d) Venue for a hearing under this article is in any
 1-47 justice, county, statutory county, or district court in the county
 1-48 in which the property is seized or in which the property was alleged
 1-49 to have been stolen or in any municipal court in any municipality in
 1-50 which the property is seized or in which the property was alleged to
 1-51 have been stolen, except that the court may transfer venue to a
 1-52 court in another county on the motion of any interested party.
 1-53 SECTION 2. Article 47.02(b), Code of Criminal Procedure, is
 1-54 amended to read as follows:
 1-55 (b) On written consent of the prosecuting attorney and
 1-56 following an order described by Subsection (a), any magistrate
 1-57 having jurisdiction in the county in which the property was alleged
 1-58 to have been stolen or, if the [~~a~~] criminal action for theft or any
 1-59 other offense involving the illegal acquisition of property is
 1-60 pending in another county, the county in which the action is pending
 1-61 may hold a hearing to determine the right to possession of the

2-1 property. If it is proved to the satisfaction of the magistrate
2-2 that any person is a true owner of the property alleged to have been
2-3 stolen, and the property is under the control of a peace officer,
2-4 the magistrate may, by written order, direct the property to be
2-5 restored to that person.

2-6 SECTION 3. This Act takes effect September 1, 2017.

2-7

* * * * *