

BILL ANALYSIS

C.S.H.B. 1499
By: Metcalf
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the restriction on the individuals to whom the comptroller of public accounts may pay a claim for certain unclaimed property should be revised to include claimants who are victims of a criminal offense and entitled to payment from the defendant. C.S.H.B. 1499 seeks to address this issue by providing for the approval of a claim for unclaimed property of certain property owners.

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 rulemaking authority is expressly granted to the Texas Department of Criminal Justice in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1499 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to file a claim for unclaimed property with the comptroller of public accounts on behalf of a victim of a criminal offense if the reported owner of the unclaimed property was finally convicted of the criminal offense in Texas and, based on the final conviction, owes criminal restitution to the victim and is incarcerated in state custody on the date the claim is submitted. The bill requires TDCJ to determine annually the claims that it is required to file from the comptroller's published list of owners of unclaimed property and information in TDCJ possession. The bill authorizes TDCJ to adopt rules necessary to administer these provisions.

C.S.H.B. 1499 amends the Property Code to authorize the comptroller to approve such an unclaimed property claim submitted by TDCJ on behalf of a victim of a criminal offense for which the reported owner of the unclaimed property was finally convicted.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1499 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not require a victim of a criminal offense for which the reported owner of the

unclaimed property was finally convicted to submit the unclaimed property claim but the substitute requires TDCJ to file such a claim instead on the victim's behalf. The substitute clarifies that the reported owner's final conviction occurred in Texas and changes the owner's required incarceration status on the date the claim is submitted from incarceration in federal or any state custody based on any final criminal conviction to incarceration in this state's custody.

The substitute includes a requirement for TDCJ to determine annually the claims that it is required to file and includes an authorization for TDCJ to adopt related rules.