

By: Metcalf, Guillen

H.B. No. 1499

Substitute the following for H.B. No. 1499:

By: Collier

C.S.H.B. No. 1499

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the comptroller to release a reported owner's unclaimed property to the owner's crime victim in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.032 to read as follows:

Sec. 493.032. UNCLAIMED PROPERTY CLAIMS FILED ON BEHALF OF CRIME VICTIMS. (a) The department shall file a claim for unclaimed property under Section 74.501, Property Code, on behalf of a victim of a criminal offense if the reported owner of the unclaimed property:

(1) was finally convicted of the criminal offense in this state; and

(2) based on the final conviction:

(A) owes criminal restitution to the victim; and

(B) on the date the claim is submitted, is incarcerated in the custody of this state.

(b) The department shall determine annually from the list published by the comptroller under Section 74.307, Property Code, and information in the department's possession the claims that the department is required to file under Subsection (a).

(c) The department may adopt rules necessary to administer this section.

SECTION 2. Section 74.501, Property Code, is amended by amending Subsection (e) and adding Subsection (g) to read as follows:

(e) Except as provided by Subsections [~~Subsection~~] (f) and (g), the comptroller may not pay to the following persons a claim to which this section applies:

(1) a creditor, a judgment creditor, a lienholder, or an assignee of the reported owner or of the owner's heirs; or

(2) a person holding a power of attorney from the reported owner or the owner's heirs.

(g) The comptroller may approve a claim for unclaimed property that complies with Section 493.032, Government Code, submitted under this subsection by the Texas Department of Criminal Justice on behalf of a victim of a criminal offense for which the reported owner of the unclaimed property was finally convicted.

SECTION 3. The change in law made by this Act applies only to a claim filed under Section 74.501, Property Code, on or after the effective date of this Act. A claim filed under that section before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2019.