

## **BILL ANALYSIS**

Senate Research Center  
87R14993 NC-F

H.B. 978  
By: Metcalf (Zaffirini)  
Criminal Justice  
5/15/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Comptroller of Public Accounts of the State of Texas (comptroller) operates the Unclaimed Property Program, from which claimants may submit claims for the release of various assets. Because the comptroller may only release unclaimed property to its owner, crime victims due compensation under a final judgment or order of restitution are unable to claim property belonging to an inmate from whom they are owed compensation. H.B. 978 seeks to address this issue by requiring the Texas Department of Criminal Justice to file a claim for unclaimed property on behalf of a crime victim under certain circumstances.

H.B. 978 amends current law relating to authorizing the comptroller to release a reported owner's unclaimed property to the owner's crime victim in certain circumstances and payment by the Texas Department of Criminal Justice of certain amounts owed by an inmate.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Criminal Justice in SECTION 1 (Section 493.034, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 493, Government Code, by adding Section 493.034, as follows:

Sec. 493.034. UNCLAIMED PROPERTY CLAIMS FILED ON BEHALF OF CRIME VICTIMS. (a) Requires the Texas Department of Criminal Justice (TDCJ) to file a claim for unclaimed property under Section 74.501 (Claim Filed with Comptroller), 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) was ordered to pay criminal restitution to the victim; and
  - (B) on the date the claim is submitted, is confined in a facility operated by or under contract with TDCJ.

(b) Requires TDCJ to quarterly send to the Comptroller of Public Accounts of the State of Texas (comptroller) a data set regarding confined inmates to initiate the filing and facilitate the approval of the claims submitted under Subsection (a).

(c) Requires TDCJ to file a claim under this section only if TDCJ has:

- (1) received notification from a court under Section 501.014(e); and
- (2) confirmed with the county the amount of outstanding restitution owed before filing the claim if TDCJ finds the confirmation to be necessary.

(d) Authorizes TDCJ to adopt rules necessary to administer this section.

SECTION 2. Amends Section 501.014, Government Code, by amending Subsection (e) and adding Subsection (e-1), as follows:

(e) Requires TDCJ to make a payment under this subsection, rather than under this subsection as ordered by the court, to either the court or the party specified in the court order.

(e-1) Requires that notification from a court under Subsection (e) of an order for restitution specify the amount of restitution owed on the date of notification.

SECTION 3. Reenacts Section 74.501(e), Property Code, as amended by Chapters 267 (S.B. 1420) and 897 (H.B. 3598), Acts of the 86th Legislature, Regular Session, 2019, and amends it to include an exemption under Subsection (g) to the provision that the comptroller is prohibited from paying a claim to certain persons to which Section 74.501 applies.

SECTION 4. Amends Section 74.501, Property Code, by adding Subsection (g) to authorize the comptroller to approve a claim for unclaimed property that complies with Section 493.034, Government Code.

SECTION 5. Amends Article 42.037, Code of Criminal Procedure, by adding Subsection (w), as follows:

(w) Requires a county to accept a restitution payment received TDCJ under Section 493.034, Government Code, and forward the payment to the victim or other person eligible for restitution under Article 42.037 (Restitution), including the compensation to victims of crime fund. Requires the county to return to TDCJ any amount in excess of the balance owed to the victim.

SECTION 6. Provides that 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. Provides that 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 7. Provides that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. Effective date: September 1, 2021.