

BILL ANALYSIS

C.S.H.B. 978
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Unclaimed property held by the comptroller of public accounts consists of property for which an owner could not be located. Claimants may locate and submit claims for the release of this property, however, given that the comptroller may only release unclaimed property to the 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. C.S.H.B. 978 seeks to address this issue by requiring the Texas Department of Criminal Justice to file a claim for unclaimed property with the comptroller on behalf of a crime victim under certain circumstances.

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. 978 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, was ordered to pay criminal restitution to the victim and is confined in a facility operated by or under contract with TDCJ on the date the claim is submitted.

This requirement applies only if TDCJ has received notification from a court of an order for restitution payable from an inmate account and, if TDCJ finds it necessary, has confirmed with the county the amount of outstanding restitution owed before filing the claim. The notification from a court must specify the amount of restitution owed on the date of notification.

C.S.H.B. 978 requires TDCJ to quarterly send to the comptroller a data set regarding confined inmates to initiate the filing and facilitate the approval of the claims for unclaimed property submitted by TDCJ. The bill authorizes TDCJ to adopt rules necessary to administer these unclaimed property provisions.

C.S.H.B. 978 amends the Property Code to authorize the comptroller to approve a claim for unclaimed property that complies with the bill's Government Code provisions.

C.S.H.B. 978 amends the Code of Criminal Procedure to require a county to do the following with respect to a restitution payment received from TDCJ for unclaimed property claims under the bill's provisions:

- accept and forward the payment to the victim or other person eligible for restitution, including the compensation to victims of crime fund; and
- return to TDCJ any amount in excess of the balance owed to the victim.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 978 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 includes a requirement for TDCJ to quarterly send to the comptroller a data set regarding confined inmates to initiate the filing and facilitate the approval of the claims for unclaimed property submitted by TDCJ. The substitute does not include a requirement for TDCJ to determine annually the claims it is required to file from the comptroller's unclaimed property owners list and from information in TDCJ's possession.

The substitute includes the following:

- a provision conditioning TDCJ's duty to file a claim on its receipt of a court notification of an order for restitution payable from an inmate account and its confirmation with the county, if it deems necessary, of the amount of outstanding restitution owed;
- a requirement for that court notification to specify the amount of restitution owed on the date of notification; and
- requirements for a county to accept a restitution payment received from TDCJ for unclaimed property claims, forward the payment to the victim or other eligible person, including the compensation to victims of crime fund, and return to TDCJ any amount in excess of the balance owed to the victim.