

By: Toth

H.B. No. 1212

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disposition of abandoned or unclaimed property
3 seized by a peace officer.

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

5 SECTION 1. Article 18.17(a), Code of Criminal Procedure, as
6 effective September 1, 2021, is amended to read as follows:

7 (a) All unclaimed or abandoned personal property of every
8 kind, other than contraband subject to forfeiture under Chapter 59
9 [~~and whiskey, wine and malt beverages~~], seized by any peace officer
10 in this state [~~the State of Texas~~] which is not held as evidence to
11 be used in any pending case and has not been ordered destroyed or
12 returned to the person entitled to possession of the same by a
13 magistrate, which shall remain unclaimed for a period of 30 days
14 shall be delivered for disposition to a person designated by the
15 municipality or the purchasing agent of the county in which the
16 property was seized. If a peace officer of a municipality seizes the
17 property, the peace officer shall deliver the property to a person
18 designated by the municipality. If any other peace officer seizes
19 the property, the peace officer shall deliver the property to the
20 purchasing agent of the county. If the county has no purchasing
21 agent, then the [~~such~~] property shall be disposed of by the sheriff
22 of the county.

23 SECTION 2. Articles 18.17(b), (c), and (d), Code of
24 Criminal Procedure, are amended to read as follows:

1 (b) The county purchasing agent, the person designated by
2 the municipality, or the sheriff of the county, as the case may be,
3 shall mail a notice to the last known address of the owner of the
4 ~~[such]~~ property by certified mail or place a one-time notice on the
5 Internet website and social networking website of the law
6 enforcement agency that seized the property. The ~~[Such]~~ notice must
7 ~~[shall]~~ describe the property being held, give the name and address
8 of the officer holding the ~~[such]~~ property, and ~~[shall]~~ state that
9 if the owner does not claim the ~~[such]~~ property before the 90th day
10 after ~~[within 90 days from]~~ the date of the notice, the ~~[such]~~
11 property will be disposed of and the proceeds, after deducting the
12 reasonable expense of keeping the ~~[such]~~ property and the costs of
13 the disposition, placed in the treasury of the municipality or
14 county giving the notice.

15 (c) If the property has a fair market value of \$500 or more
16 and the owner or the address of the owner is unknown, the person
17 designated by the municipality, the county purchasing agent, or the
18 sheriff, as the case may be, shall publish a notice ~~[cause to be~~
19 ~~published]~~ once in a paper of general circulation in the
20 municipality or county or place a one-time notice on the Internet
21 website and social networking website of the law enforcement agency
22 that seized the property. The notice must contain ~~[containing]~~ a
23 general description of the property held, the name of the owner if
24 known, the name and address of the officer holding the ~~[such]~~
25 property, and a statement that if the owner does not claim the
26 ~~[such]~~ property before the 90th day after ~~[within 90 days from]~~ the
27 date of the notice, the ~~[publication-such]~~ property will be

1 disposed of and the proceeds, after deducting the reasonable
2 expense of keeping the [~~such~~] property and the costs of the
3 disposition, placed in the treasury of the municipality or county
4 disposing of the property. If the property has a fair market value
5 of less than \$500 and the owner or the address of the owner is
6 unknown, the person designated by the municipality, the county
7 purchasing agent, or the sheriff may sell or donate the property.
8 The person designated by the municipality, the purchasing agent, or
9 the sheriff shall deposit the sale proceeds, after deducting the
10 reasonable expense of keeping the property and costs of the sale, in
11 the treasury of the municipality or county selling or donating the
12 property.

13 (d) The sale under this article of any property that has a
14 fair market value of \$500 or more shall be preceded by a notice
15 published once at least 14 days before [~~prior to~~] the date of the
16 [~~such~~] sale in a newspaper of general circulation in the
17 municipality or county where the sale is to take place or placed
18 once on the Internet website and social networking website of the
19 law enforcement agency that seized the property at least 14 days
20 before the date of the sale. The notice must state [~~, stating~~] the
21 general description of the property, the name [~~names~~] of the owner
22 if known, and the date and place that the [~~such~~] sale will occur.
23 This article does not require disposition by sale.

24 SECTION 3. Article 18.17, Code of Criminal Procedure, as
25 amended by this Act, applies to personal property seized by a peace
26 officer on or after the effective date of this Act. Personal
27 property seized before the effective date of this Act is governed by

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1 the law in effect on the date the property was seized, and the
2 former law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2021.