

BILL ANALYSIS

Senate Research Center
88R3139 KBB-F

H.B. 1221
By: Metcalf (Zaffirini)
Criminal Justice
5/2/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many crime victims to whom a court has ordered restitution payments never receive what they are owed. Unclaimed property could offer an additional avenue by which these persons can be made whole. Current law, however, generally allows disbursement of approved unclaimed property claims only to the property owner or, if the person is deceased, to his or her legal heirs.

Accordingly, H.B. 1221 would authorize the Texas Department of Criminal Justice (TDCJ) to file a claim for unclaimed property on behalf of a victim of a criminal offense if the reported owner of the unclaimed property was convicted and ordered to pay restitution to his or her victim and is confined in a TDCJ facility based on that conviction.

H.B. 1221 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 493.035, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 493, Government Code, by adding Section 493.035, as follows:

Sec. 493.035. 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. Amends Section 74.501, Property Code, by amending Subsection (e) and adding Subsection (g), as follows:

(e) Prohibits the comptroller, except as provided by certain statutes, including Subsection (g), from paying to certain persons a claim to which this section applies.

(g) Authorizes the comptroller to approve a claim for unclaimed property that complies with Section 493.035, Government Code.

SECTION 4. Amends Article 42.037, Code of Criminal Procedure, by adding Subsection (x), as follows:

(x) Requires a county to accept a restitution payment received from TDCJ under Section 493.035, 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. Authorizes the county to return to TDCJ any amount in excess of the balance owed to the victim.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2023.