

BILL ANALYSIS

H.B. 1221
By: Metcalf
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The unclaimed property fund consists of property for which the owner could not be found. Claimants who locate their property within the fund may apply to the comptroller of public accounts in order to receive their property. However, the comptroller may release unclaimed property only to the owner of the property. Because of that limitation, crime victims who are due restitution from the perpetrator of the crime are unable to access property in the fund belonging to the perpetrator. H.B. 1221 seeks to address this issue by establishing a process for the Texas Department of Criminal Justice to file claims on behalf of crime victims for unclaimed property belonging to a confined inmate who was ordered to pay restitution and for payments from such property to be sent to the applicable county and forwarded to victims or other persons eligible for restitution.

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

H.B. 1221 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 TDCJ facility 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.

H.B. 1221 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.

H.B. 1221 amends the Property Code to authorize the comptroller to approve a claim for unclaimed property that complies with the bill's Government Code provisions.

H.B. 1221 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.

H.B. 1221 applies only to a claim filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.