

1-1 By: Cunningham (Senate Sponsor - Flores) H.B. No. 1261
1-2 (In the Senate - Received from the House April 28, 2025;
1-3 April 29, 2025, read first time and referred to Committee on
1-4 Criminal Justice; May 14, 2025, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 14, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Flores	X		
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the disposition of abandoned or unclaimed property
1-18 seized by a peace officer.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Articles 18.17(a), (b), (c), and (d), Code of
1-21 Criminal Procedure, are amended to read as follows:

1-22 (a) All unclaimed or abandoned personal property of every
1-23 kind, other than contraband subject to forfeiture under Chapter 59
1-24 and whiskey, wine and malt beverages, seized by any peace officer in
1-25 this state [the State of Texas] which is not held as evidence to be
1-26 used in any pending case and has not been ordered destroyed or
1-27 returned to the person entitled to possession of the same by a
1-28 magistrate, which shall remain unclaimed for a period of 30 days
1-29 shall be delivered for disposition to a person designated by the
1-30 municipality or the purchasing agent of the county in which the
1-31 property was seized. If a peace officer of a municipality seizes the
1-32 property, the peace officer shall deliver the property to a person
1-33 designated by the municipality. If any other peace officer seizes
1-34 the property, the peace officer shall deliver the property to the
1-35 purchasing agent of the county. If the county has no purchasing
1-36 agent, then the [such] property shall be disposed of by the sheriff
1-37 of the county.

1-38 (b) The county purchasing agent, the person designated by
1-39 the municipality, or the sheriff of the county, as the case may be,
1-40 shall mail a notice to the last known address of the owner of the
1-41 [such] property by certified mail or place a one-time notice on the
1-42 Internet website and social networking website of the law
1-43 enforcement agency that seized the property. The [Such] notice must
1-44 [shall] describe the property being held, give the name and address
1-45 of the officer holding the [such] property, and [shall] state that
1-46 if the owner does not claim the [such] property before the 90th day
1-47 after [within 90 days from] the date of the notice, the [such]
1-48 property will be disposed of and the proceeds, after deducting the
1-49 reasonable expense of keeping the [such] property and the costs of
1-50 the disposition, placed in the treasury of the municipality or
1-51 county giving the notice.

1-52 (c) If the property has a fair market value of \$500 or more
1-53 and the owner or the address of the owner is unknown, the person
1-54 designated by the municipality, the county purchasing agent, or the
1-55 sheriff, as the case may be, shall publish a notice [cause to be
1-56 published] once in a paper of general circulation in the
1-57 municipality or county or place a one-time notice on the Internet
1-58 website and social networking website of the law enforcement agency
1-59 that seized the property. The notice must contain [containing] a
1-60 general description of the property held, the name of the owner if
1-61 known, the name and address of the officer holding the [such]

property, and a statement that if the owner does not claim the
~~[such]~~ property before the 90th day after ~~[within 90 days from]~~ the
date of the notice, the ~~[publication such]~~ property will be
disposed of and ~~[the proceeds]~~, after deducting the reasonable
expense of keeping the ~~[such]~~ property and the costs of the
disposition, any proceeds from a sale deposited ~~[placed]~~ in the
treasury of the municipality or county selling ~~[disposing of]~~ the
property. If the property has a fair market value of less than \$500
and the owner or the address of the owner is unknown, the person
designated by the municipality, the county purchasing agent, or the
sheriff may sell or donate the property. The person designated by
the municipality, the purchasing agent, or the sheriff shall
deposit ~~[the sale proceeds]~~, after deducting the reasonable expense
of keeping the property and costs of the disposition ~~[sale]~~, any
proceeds from a sale in the treasury of the municipality or county
selling ~~[or donating]~~ the property.

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

SECTION 2. Article 18.17, Code of Criminal Procedure, as
amended by this Act, applies to personal property seized by a peace
officer on or after the effective date of this Act. Personal
property seized before the effective date of this Act is governed by
the law in effect on the date the property was seized, and the
former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2025.

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