

SUBJECT: Releasing certain unclaimed property for restitution to crime victims

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For — (*Registered, but did not testify*: M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Tiana Sanford, Montgomery County District Attorney's Office; Katherine Strandberg, Texas Association Against Sexual Assault)

Against — None

On — Ron Steffa, Texas Department of Criminal Justice; Bryant Clayton, Texas Comptroller of Public Accounts

BACKGROUND: Government Code sec. 501.014 requires the Texas Department of Criminal Justice (TDCJ) to take possession of all money that an inmate has upon arrival at a facility and all money the inmate receives during confinement and to credit the money to an account created for the inmate. TDCJ may spend money from the account on order of the inmate or as required by law or policy. On notification by a court, TDCJ is required to withdraw from the account any amount the inmate is ordered to pay by order of the court, including for child support, restitution, and court fees.

Property Code sec. 74.501 governs the process for filing a claim for unclaimed property delivered to the comptroller and specifies certain persons' claims the comptroller can approve.

DIGEST: CSHB 978 would require the Texas Department of Criminal Justice (TDCJ) to file a claim for unclaimed property with the comptroller on behalf of a crime victim if the reported owner of the unclaimed property:

- was convicted of the criminal offense;
- was ordered to pay restitution to the victim; and
- was confined in a facility operated by or under contract with TDCJ on the date the claim was submitted.

TDCJ would have to file a claim only if it had received notification from a court of an order of restitution payable from an inmate account and had confirmed with the county the amount of outstanding restitution owed before filing the claim. The court notification would have to specify the amount of restitution owed on the date of notification.

A county would have to accept a restitution payment received from TDCJ and forward it to the victim or other eligible person, including the compensation to victims of crime fund. The county would be required to return to TDCJ any amount in excess of the balance owed to the victim.

The bill would allow the comptroller to approve a claim for unclaimed property under the bill. TDCJ quarterly would have to send the comptroller a data set on confined inmates to initiate the filing and facilitate the approval of the claims submitted.

The bill would take effect September 1, 2021, and would apply only to a claim filed on or after that date.

**SUPPORTERS
SAY:**

HB 978 would support justice for crime victims by increasing opportunities for them to receive compensation they are due from individuals in TDCJ custody. Current law requires TDCJ to withdraw funds from accounts of those in custody to pay court costs and fees, fines, and restitution. The bill would give victims an additional avenue through which to receive restitution by allowing crime victims access to unclaimed property held by the comptroller of persons in TDCJ custody. This expanded process would increase overall the amount of restitution paid to crime victims.

**CRITICS
SAY:**

No concerns identified.

