

CHAPTER 321

H.B. No. 772

AN ACT

relating to the disposition of abandoned or unclaimed property.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 18.17, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) If the abandoned or unclaimed personal property is money, the municipal or county purchasing agent, or the sheriff of the county, as appropriate, may, after giving notice under Subsection (b) or (c) of this article, deposit the money in the treasury of the municipality or county giving notice without conducting the sale as required by Subsection (d) of this article.

SECTION 2. Subsection (f), Article 18.17, Code of Criminal Procedure, is amended to read as follows:

(f) For the purposes of this article, "purchasing agent of the municipality" means the person who is primarily responsible for making purchases on behalf of a municipality or a person designated by the municipality. "Person designated by a municipality" means an

officer or employee of a municipality who is designated by the municipality to be primarily responsible for the disposition of property under this article.

SECTION 3. Subsections (c) and (d), Article 18.17, Code of Criminal Procedure, are amended to read as follows:

(c) *If the property has a fair market value of \$500 or more and the owner ~~[of such property is unknown]~~ or [if] the address of the owner is unknown, ~~[then]~~ the municipal or county purchasing agent or the sheriff, as the case may be, shall cause to be published once in a paper of general circulation in the municipality or county a notice containing a description of the property held, the name of the owner if known, the name and address of the officer holding such property, and a statement that if the owner does not claim such property within 90 days ~~[six months]~~ from the date of the publication such property will be sold and the proceeds of such sale, after deducting the reasonable expense of keeping such property and the costs of the sale, placed in the treasury of the municipality or county selling 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 municipal or county purchasing agent or the sheriff may sell or donate the property. The purchasing agent or the sheriff shall deposit the sale proceeds, after deducting the reasonable expense of keeping the property and costs of the 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 ~~[hereunder]~~ shall be preceded by a notice published once at least three weeks prior to the date of such sale in a newspaper of general circulation in the municipality or county where the sale is to take place, stating the description of the property, the names of the owner if known, and the date and place that such sale will occur. ~~[If the municipal or county purchasing agent or sheriff, as the case may be, shall consider any bid as insufficient, he need not sell such property but may decline such bid and reoffer such property for sale.]~~*

SECTION 4. Article 18.17, Code of Criminal Procedure, is amended by adding Subsection (i) to read as follows:

(i) *While offering the property for sale under this article, if a municipal or county purchasing agent or sheriff considers any bid as insufficient, the agent or sheriff may decline the bid and reoffer the property for sale.*

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 4, 1993: Yeas 133, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 772 on May 18, 1993: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 12, 1993: Yeas 31, Nays 0.

Approved May 28, 1993.

Effective May 28, 1993.