

CHAPTER 548

S.B. No. 152

AN ACT

relating to the disposition of stolen property when a criminal action is not pending.

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

SECTION 1. Article 47.01a, Code of Criminal Procedure, is amended to read as follows:

Art. 47.01a. RESTORATION WHEN NO TRIAL IS PENDING. (a) If a [~~no~~] criminal action *relating to allegedly stolen property* is *not* pending, a magistrate of the county or city in which the property is being held may hold a hearing to determine the right to possession of the property, upon the petition of *an* [~~any~~] interested person, *a county, a city, or the state*. The magistrate shall order the property delivered to whoever has the superior right to possession, subject to the condition that the property be made available to the prosecuting authority should it be needed in [~~the~~] future *prosecutions*, or the magistrate may remand the property to the custody of the peace officer, *pending resolution of criminal investigations regarding the property*.

(b) *If it is shown in a hearing that probable cause exists to believe that the property was acquired by theft or by another manner that makes its acquisition an offense and that the identity of the actual owner of the property cannot be determined, the magistrate shall order the peace officer to:*

- (1) *deliver the property to a government agency for official purposes;*
- (2) *deliver the property to a person authorized by Article 18.17 of this code to receive and dispose of the property; or*
- (3) *destroy the property.*

(c) *At a hearing under Subsection (a) of this article, any interested person may present evidence showing that the property was not acquired by theft or another offense or that the person is entitled to possess the property. At the hearing, hearsay evidence is admissible.*

SECTION 2. 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 the Senate on February 25, 1987, by the following vote: Yeas 30, Nays 0.

Passed the House on May 30, 1987, by a non-record vote.

**70th LEGISLATURE—REGULAR SESSION**

**Ch. 549, § 2**

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.