

SUBJECT: Allowing the comptroller to release unclaimed property to crime victims

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline
0 nays

WITNESSES: For — (*Registered, but did not testify*: M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Tiana Sanford, Montgomery County District Attorney’s Office)

Against — (*Registered, but did not testify*: Kai Bovik)

On — (*Registered, but did not testify*: Bryant Clayton, Texas Comptroller of Public Accounts; Ron Steffa, Texas Department of Criminal Justice)

DIGEST: HB 1221 would require the Texas Department of Criminal Justice (TDCJ) to file a claim for unclaimed property with the comptroller on behalf of a victim of a criminal offense if the owner of the unclaimed property:

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

TDCJ would be required to file such a claim only if the department was notified of a court order for restitution and, if deemed necessary by the department, confirmed with the county the amount of outstanding restitution owed before filing the claim. The bill would require a notification from a court to TDCJ to specify the amount of restitution owed.

TDCJ would be required to send a quarterly data set to the comptroller regarding confined inmates to initiate the filing and facilitate the approval

of claims. The bill would authorize the comptroller to approve such a claim for the specified unclaimed property.

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

The bill would take effect September 1, 2023, and would apply only to a claim filed on or after that date.

**SUPPORTERS
SAY:**

HB 1221 would provide crime victims with an additional avenue for restitution. Currently, TDCJ receives court orders to withdraw funds from an inmate's account to pay restitution and other costs. HB 1221 would expand this process by creating a system through which an inmate's unclaimed property could be transferred to victims entitled to restitution. Unclaimed property consists of property, held by the comptroller, for which the owner could not be found. The bill could result in an increased amount of restitution paid by inmates and would ensure that victims received the compensation they deserved.

**CRITICS
SAY:**

No concerns identified.