

BILL ANALYSIS

S.B. 631
By: Buckingham
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that a person whose property has been stolen might have to travel across the state to attend a hearing to recover the person's property. The goal of S.B. 631 is to allow such a hearing to be held in a more appropriate location.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 631 amends the Code of Criminal Procedure to include certain magistrates in the county or municipality in which property is alleged to have been stolen among the magistrates authorized to hold a hearing to determine the right to possession of the property if a criminal trial relating to the property is not pending and to designate an applicable court in such a county or municipality as venue for such a hearing. The bill makes the person who has the superior right to possession of the property, as determined in such a hearing, responsible for any transportation necessary to deliver the property to the person as ordered by the court.

S.B. 631 includes a magistrate in the county in which property is alleged to have been stolen among the magistrates authorized to hold a hearing to determine the right to possession of stolen property involved in a criminal case and adds as a condition on a magistrate's authority to hold such a hearing that the hearing take place following an order by the court trying the applicable criminal case restoring the property to the owner. The bill makes the owner of the property responsible for any transportation necessary to restore the property to the owner as ordered in such a hearing.

EFFECTIVE DATE

September 1, 2017.