

SUBJECT: Peace officer's retention of allegedly stolen property

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Hinojosa, Dunnam, Talton, Garcia, Green, Kitchen, Martinez
Fischer, Shields

0 nays

1 absent — Keel

SENATE VOTE: On final passage, April 11 — 29-0, on Local and Uncontested Calendar

WITNESSES: For — *Registered but did not testify:* Steve Lyons, Houston Police
Department

Against — None

BACKGROUND: Code of Criminal Procedure, art. 47.01 requires a peace officer who obtains custody of allegedly stolen property to hold it subject to the order of a proper court. If the property is an automobile recovered within 14 days of the date it was reported stolen, the officer can release the property to the owner listed on the title.

DIGEST: SB 1262 would require an officer to hold allegedly stolen property until the order of a proper court unless the ownership of the property was not contested or disputed. If the property were in the custody of a pawnshop when the officer recovered it, the property would remain subject to order of the proper court whether or not its ownership was contested or disputed.

The bill would take effect September 1, 2001.

SUPPORTERS SAY: SB 1262 would help protect victims of theft. On average, it can be three to four weeks after recovery of stolen property before a hearing is held to determine the rightful owner. Even if a peace officer apprehends a burglar in the act of robbing a house, that officer cannot return stolen property to the homeowner until a hearing has been held. As a result, the property owner can

be left without appliances or other property for weeks or months. If a person's car is stolen and not recovered until three weeks later, that person could be without a car for an additional four weeks or more after recovery while awaiting the hearing. Also, property owners often have to spend money on legal counsel for hearings, even when a peace officer knows who the rightful owners are.

SB 1262 also would save police departments money. The Houston Police Department is experiencing financial problems from having to store large amounts of stolen property while awaiting hearings. About 18,000 stolen vehicles were recovered in Houston last year, and more than 20,000 burglaries were committed. The requirement to store stolen property whose ownership is undisputed is an unnecessary burden on local taxpayers.

This bill also would protect pawnshop owners by not allowing officers to give allegedly stolen property in a pawnshop's possession to someone else without first holding a property hearing. Pawnshops have paid for such items and are entitled to their day in court.

OPPONENTS
SAY:

No apparent opposition.