

**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.