

BILL ANALYSIS

Senate Research Center

H.B. 2592
By: Tillery (West)
Criminal Justice
5-9-97
Engrossed

DIGEST

Currently, Texas law requires a hearing to be held in order for an owner to reclaim stolen property. Because of the backlog and priority for hearings given to more serious offenses, hearings regarding stolen property are rarely held. This bill eliminates the distinction between criminal cases pending trial and stolen property cases.

PURPOSE

As proposed, H.B. 2592 eliminates the distinction between criminal cases pending trial and stolen property cases.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 47.01a, Code of Criminal Procedure, as follows:

Art. 47.01a. New heading: RESTORATION OF ALLEGEDLY STOLEN PROPERTY. Authorizes a magistrate to hold a hearing to determine the right to possession of allegedly stolen property. Deletes a provision authorizing certain judges to have the authority of a magistrate in a county in which allegedly stolen property is being held, if a criminal action relating to the property is not pending. Authorizes the court to take certain actions if ownership of the property cannot be determined. Provides that venue for a hearing under this article is in a court within the county in which the allegedly stolen property is located. Deletes a provision providing that venue for a hearing is in any justice, county, statutory county, or district court in the county in which the property is seized or in any municipal court in any municipality in which the property is seized. Makes nonsubstantive and conforming changes.

SECTION 2. Repealers: Articles 47.04 and 47.05, Code of Criminal Procedure (Restored to owner; Bond required).

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.