

## **BILL ANALYSIS**

Senate Research Center  
77R10029 ATP-F

C.S.S.B. 1262  
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Criminal Justice  
3/30/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, certain procedures are followed to process the return of stolen property to its owner. C.S.S.B. 1262 allows a law enforcement officer to return stolen property to its owner without a property hearing if the ownership of the property is not contested with certain exceptions.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

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

- (a) Requires an officer who comes into custody of property alleged to have been stolen, except as provided by Subsection (b), to hold it subject to the order of the proper court only if the ownership of the property is contested or disputed. Deletes existing text pertaining to an exception from the requirement to hold stolen property.
- (b) Requires an officer who comes into custody of property governed by Chapter 371 (Pawnshops), Finance Code, that is alleged to have been stolen to hold the property subject to the order of the proper court regardless of whether the ownership of the property is contested or disputed.

SECTION 2. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Differs from the original by amending previously proposed changes to provisions regarding the holding of property alleged to have been stolen. Adds an exception as provided by Subsection (b). Adds provisions regarding the holding of certain property governed by Chapter 371 (Pawnshops), Finance Code, and alleged to have been stolen.