

By: Coleman

H.B. No. 4398

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of forfeited assets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 59.06(a)(3), Texas Code of Criminal Procedure, is amended to read as follows:

The balance, if any, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f) and, after that deduction, the deduction of storage and disposal costs, to be deposited not later than the 30th day after the date of the sale in the state treasury to the credit of the general revenue fund for the dedicated purpose of community restoration.

SECTION 2. Article 59.06(c-3), Texas Code of Criminal Procedure, is amended to include (2)(D) and to read as follows:

(c-3) Notwithstanding Subsection (a), with respect to forfeited property seized in connection with a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act), by a peace officer employed by the Department of Public Safety, in a proceeding under Article 59.05 in which a default judgment is rendered in favor of the state, the attorney representing the state shall enter into a local agreement with the department that allows the attorney representing the state either to:

(1) transfer forfeited property to the department to maintain, repair, use, and operate for official purposes in the manner provided by Subsection (b); or

1 (2) allocate proceeds from the sale of forfeited
2 property described by Subsection (c), after the deduction of court
3 costs as described by that subsection, in the following
4 proportions:

5 (A) 35 [~~40~~] percent to a special fund in the
6 department to be used solely for law enforcement purposes;

7 (B) 25 [~~30~~] percent to a special fund in the
8 county treasury for the benefit of the office of the attorney
9 representing the state, to be used by the attorney solely for the
10 official purposes of the attorney's office; [~~and~~]

11 (C) 10 [~~30~~] percent to the general revenue fund;
12 and

13 (D) 30 percent to the general revenue fund for
14 the dedicated purpose of community restoration.

15 SECTION 3. Article 59.06(d-2), Texas Code of Criminal
16 Procedure, is amended to read as follows:

17 (d-2) The head of a law enforcement agency or an attorney
18 representing the state may use as an official purpose of the agency
19 or attorney proceeds or property received under this chapter to
20 make a donation to an entity that assists in:

21 (1) the detection, investigation, or prosecution of:

22 (A) criminal offenses; or

23 (B) instances of abuse, as defined by Section
24 261.001, Family Code;

25 (2) the provision of:

26 (A) mental health, drug, or rehabilitation
27 services; [~~or~~]

1 (B) services for victims or witnesses of criminal
2 offenses or instances of abuse described by Subdivision (1); or

3 (C) services for the purposes of community
4 Restoration; or

5 (3) the provision of training or education related to
6 duties or services described by Subdivision (1) or (2).

7 SECTION 4. Article 59.06(d-5), Texas Code of Criminal
8 Procedure, is added to read as follows:

9 (d-5) Except as otherwise provided by this article, an
10 expenditure or property received under this chapter is considered
11 to be for the purposes of community restoration if the expenditure
12 is made for an activity by the state or municipal governments that
13 relates to community quality-of-life enhancement and proactive
14 crime reduction following the guidelines for the social
15 determinants of health as specified by the Centers for Disease
16 Control and Prevention, including an expenditure made by the
17 government or by contract with non-governmental agencies to
18 improve:

19 (1) Economic Stability;

20 (2) Education;

21 (3) Social and Community;

22 (4) Neighborhood and Environment; or

23 (5) Healthcare.

24 SECTION 5. Article 59.06(h)(5), Texas Code of Criminal
25 Procedure, is added to include (h)(5):

26 (5) nonprofit programs designed to establish
27 community restoration through the five social determinants of

1 health as outlined by the Centers for Disease Control and
2 Prevention.

3 SECTION 6. This Act takes effect September 1, 2021.