

By: Noble

H.B. No. 1874

A BILL TO BE ENTITLED

AN ACT

relating to the award of attorney's fees in a civil asset forfeiture proceeding.

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

SECTION 1. Article 59.05, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding any other law, on dismissal of a forfeiture proceeding under this chapter, or on the court's determination that the property or an interest in the property is not subject to forfeiture under this chapter, the court shall enter an order requiring the law enforcement agency responsible for seizing the property to reimburse the applicable owner or interest holder for reasonable attorney's fees calculated in accordance with the attorney's fees schedule promulgated under Section 72.039, Government Code. If possible, notwithstanding the purposes for which the money must be used under the law, the law enforcement agency shall make the payment out of money available in the applicable fund established for the law enforcement agency under Article 59.06(c)(2), (3), or (4).

SECTION 2. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.039 to read as follows:

Sec. 72.039. ATTORNEY'S FEES SCHEDULE. The Office of Court Administration of the Texas Judicial System shall promulgate a schedule of attorney's fees that may be used to determine a

1 reasonable amount of attorney's fees to award under Article  
2 59.05(h), Code of Criminal Procedure.

3         SECTION 3. The change in law made by this Act applies only  
4 to property subject to forfeiture on the basis of an offense  
5 committed on or after the effective date of this Act. Property  
6 subject to forfeiture on the basis of an offense committed before  
7 the effective date of this Act is governed by the law in effect on  
8 the date the offense was committed, and the former law is continued  
9 in effect for that purpose. For purposes of this section, an  
10 offense was committed before the effective date of this Act if any  
11 element of the offense occurred before that date.

12         SECTION 4. This Act takes effect September 1, 2023.