

BILL ANALYSIS

Senate Research Center
78R11455 JD-F

H.B. 2892
By: Allen (Whitmire)
Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Current law addresses the illegal expenditure, financing, or investing of funds derived from or intended to further the commission of a crime, but fails to include the illegal offering of real property (cars, jewelry, other valuables) instead of currency. H.B. 2892 includes bartered property derived from or intended to further certain controlled substance offenses as an illegal act under the Health and Safety Code.

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 Section 481.126, Health and Safety Code, as follows:

Sec. 481.126. OFFENSE: ILLEGAL BARTER, EXPENDITURE, OR INVESTMENT.

(a) Provides that a person commits an offense if the person:

- (1) barter property or expends funds the person knows are derived from the commission of an offense under this chapter punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life;
- (2) barter property or expends funds the person knows are derived from the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(5);
- (3) barter property or finances or invests funds the person knows or believes are intended to further the commission of an offense for which the punishment is described by Subdivision (1); or
- (4) barter property or finances or invests funds the person knows or believes are intended to further the commission of an offense under Section 481.121(a) that is punishable under Section 481.121(b)(5).

(b) Provides that an offense under Subsection (a)(1) or (3), rather than of this section, is a felony of the first degree. Provides that an offense under Subsection (a)(2) or (4) is a felony of the second degree.

SECTION 2. Effective date: September 1, 2003.