

By: Pena

H.B. No. 2245

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of proceeds from criminal asset forfeiture to
3 fund certain activities sponsored or conducted by the Texas
4 Commission on Alcohol and Drug Abuse.

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

6 SECTION 1. Article 59.06, Code of Criminal Procedure, is
7 amended by amending Subsections (i) and (j) and adding Subsection
8 (p) to read as follows:

9 (i) The governing body of a political subdivision may not
10 use funds received under this subchapter for programs or facilities
11 listed under Subsection (h)(1), (h)(2), (h)(3), or (p) [~~Subsections~~
12 ~~(h)(1)-(3)~~] if an officer of or member of the Board of Directors of
13 the entity providing the program or facility is related to a member
14 of the governing body, the attorney representing the state, or the
15 head of the law enforcement agency within the third degree by
16 consanguinity or the second degree by affinity.

17 (j) As a specific exception to Subdivision (4) of Subsection
18 (c) of this article, the director of a state law enforcement agency
19 shall transfer at least [~~may use not more than~~] 10 percent of the
20 amount credited to the special fund of the agency under that
21 subdivision to the comptroller for deposit to the credit of the
22 substance abuse [~~for the~~] prevention [~~of drug abuse~~] and [~~the~~]
23 treatment account in the general revenue fund [~~of persons with~~
24 ~~drug-related problems~~]. The account may be used only to fund local

1 or regional, interregional, or statewide activities sponsored or
2 conducted by licensed providers of the Texas Commission on Alcohol
3 and Drug Abuse.

4 (p) As a specific exception to the requirement of
5 Subdivisions (1)-(3) of Subsection (c) that the funds described by
6 those subdivisions be used only for the official purposes of the
7 attorney representing the state or for law enforcement purposes, on
8 agreement between the attorney representing the state or the head
9 of a law enforcement agency and the governing body of a political
10 subdivision, the attorney representing the state or the head of the
11 law enforcement agency shall comply with the request of the
12 governing body to deposit not more than a total of 10 percent of the
13 gross amount credited to the attorney's or agency's fund into the
14 treasury of the political subdivision. The governing body of the
15 political subdivision shall, by ordinance, order, or resolution,
16 use funds received under this subsection for local activities
17 sponsored or conducted by licensed providers of the Texas
18 Commission on Alcohol and Drug Abuse.

19 SECTION 2. This Act takes effect September 1, 2003.