

By: Moreno of El Paso

H.B. No. 2571

A BILL TO BE ENTITLED

AN ACT

relating to the use of proceeds from criminal asset forfeiture to fund the operation of drug court programs in certain counties.

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

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

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

(p) As a specific exception to the requirement of Subdivisions (1)-(3) of Subsection (c) that the funds described by those subdivisions be used only for the official purposes of the attorney representing the state or for law enforcement purposes, on agreement between the attorney representing the state or the head of a law enforcement agency and the commissioners court of a county required by Section 469.006, Health and Safety Code, to establish a drug court program, the attorney representing the state or the head of the law enforcement agency shall comply with the request of the

1 commissioners court to deposit not more than a total of 10 percent  
2 of the gross amount credited to the attorney's or agency's fund into  
3 the county treasury. The commissioners court shall, by ordinance,  
4 order, or resolution, use funds received under this subsection to  
5 implement or operate the drug court program in the county.

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