

By: Rangel

H.B. No. 3377

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the filing of a notice of seizure and intended  
3 forfeiture in an asset forfeiture case and the location of a hearing  
4 in the case

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

6 SECTION 1. Article 59.04, Code of Criminal Procedure,  
7 Subsection (b) is amended to read as follows:

8 (b) A forfeiture proceeding commences under this chapter  
9 when the attorney representing the state files a notice of the  
10 seizure and intended forfeiture in the name of the state with the  
11 clerk of the district court in the county in which the seizure is  
12 made. The attorney representing the state must attach to the notice  
13 the peace officer's sworn statement under Article 59.03 of this  
14 code, or if the property has been seized under Article 59.12(b), the  
15 statement of the terms and amount of the depository account or  
16 inventory of assets provided by the regulated financial institution  
17 to the peace officer executing the warrant in the manner described  
18 by Article 59.12(b). Except as provided by Subsection (c) of the  
19 article, the attorney representing the state shall cause certified  
20 copies of the notice to be served on the following persons in the  
21 same manner as provided for the service of process by citation in  
22 civil cases: (1) the owner of the property; and (2) any interest  
23 holder in the property. Forfeiture cases arising from the Sarita  
24 Federal Checkpoint in Sarita, Kenedy County, Texas, may be filed in

1 the county where the property was seized and with consent of the  
2 Respondent, in a county that is adjacent to and in the same judicial  
3 district as the county where the property was seized.

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