

BILL ANALYSIS

Senate Research Center

H.B. 840
By: Riddle (Williams)
Criminal Justice
5/7/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Contraband that is used in the commission of a crime is subject to forfeiture and seizure by the state. Vehicles that are used in the commission of a sexual performance by a child, or criminal solicitation of a minor, do not meet the definition of contraband under the current statute.

H.B. 840 amends the definition of contraband under Article 59.01, Code of Criminal Procedure, to include property that is used in the commission of sexual performance by a child or solicitation of a minor.

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 Article 59.01(1), Code of Criminal Procedure, to redefine "attorney representing the state."

SECTION 2. Reenacts and amends Article 59.01(2), Code of Criminal Procedure, as amended by Section 2.141, Chapter 198, Section 17, Chapter 257, and Section 3, Chapter 649, Acts of the 78th Legislature, Regular Session, 2003, to redefine "contraband."

SECTION 3. Amends Article 59.02, Code of Criminal Procedure, by adding Subsection (j), as follows:

(j) Provides that notwithstanding any other provision of this chapter, community property, property that is jointly owned, or property that was loaned by the owner or interest holder to another person for a reason other than to facilitate the commission of an offense is not subject to forfeiture if the spouse, joint owner, or owner or interest holder establishes specific facts by a preponderance of the evidence.

SECTION 4. Makes application of Article 59.01(2)(A)(iv), Code of Criminal Procedure, as added by this Act, prospective.

SECTION 5. Makes application of Article 59.01(2)(E), Code of Criminal Procedure, as added by this Act, prospective.

SECTION 6. Effective date: September 1, 2005.