

BILL ANALYSIS

Senate Research Center
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S.B. 992
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under Texas law, the forfeiture process for seizing the vehicle of a repeat drunk driver is contained in Section 704.001 (Grounds for Forfeiture; Notice), Transportation Code. The current provision is poorly drafted, making the forfeiture and seizure protracted and complicated.

Unlike the Code of Criminal Procedure, this section does not grant the police authority to seize a vehicle at the scene of the crime. Thus, the current procedure for seizing a vehicle of a repeat drunk driver is cumbersome and seldom used. This bill streamlines the process for seizure and forfeiture of a vehicle.

As proposed, S.B. 992 authorizes prosecutors to seize and forfeit a vehicle owned and operated by a person who has two prior drunk driving convictions and who is currently under arrest for the same offense.

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. 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 2. Repealer: Chapter 704 (Forfeiture of Certain Motor Vehicles), Transportation Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.