

1-1 By: Chisum (Senate Sponsor - Seliger) H.B. No. 1048  
1-2 (In the Senate - Received from the House May 4, 2005;  
1-3 May 5, 2005, read first time and referred to Committee on Criminal  
1-4 Justice; May 18, 2005, reported favorably by the following vote:  
1-5 Yeas 5, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the forfeiture of contraband used or intended to be used  
1-9 in the commission of certain criminal offenses.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 59.01(2), Code of Criminal Procedure, as  
1-12 amended by Section 2.141, Chapter 198, Section 17, Chapter 257, and  
1-13 Section 3, Chapter 649, Acts of the 78th Legislature, Regular  
1-14 Session, 2003, is reenacted and amended to read as follows:

1-15 (2) "Contraband" means property of any nature,  
1-16 including real, personal, tangible, or intangible, that is:

1-17 (A) used in the commission of:

1-18 (i) any first or second degree felony under  
1-19 the Penal Code;

1-20 (ii) any felony under Section 15.031(b),  
1-21 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30,  
1-22 31, 32, 33, 33A, or 35, Penal Code; or

1-23 (iii) any felony under The Securities Act  
1-24 (Article 581-1 et seq., Vernon's Texas Civil Statutes);

1-25 (B) used or intended to be used in the commission  
1-26 of:

1-27 (i) any felony under Chapter 481, Health  
1-28 and Safety Code (Texas Controlled Substances Act);

1-29 (ii) any felony under Chapter 483, Health  
1-30 and Safety Code;

1-31 (iii) a felony under Chapter 153, Finance  
1-32 Code;

1-33 (iv) any felony under Chapter 34, Penal  
1-34 Code;

1-35 (v) a Class A misdemeanor under Subchapter  
1-36 B, Chapter 365, Health and Safety Code, if the defendant has been  
1-37 previously convicted twice of an offense under that subchapter;

1-38 (vi) any felony under Chapter 152, Finance  
1-39 Code; ~~or~~

1-40 (vii) any felony under Chapter 31, 32, or  
1-41 37, Penal Code, that involves the state Medicaid program, or any  
1-42 felony under Chapter 36, Human Resources Code; or

1-43 (viii) a Class B misdemeanor under Section  
1-44 35.58, Business & Commerce Code;

1-45 (C) the proceeds gained from the commission of a  
1-46 felony listed in Paragraph (A) or (B) of this subdivision, a  
1-47 misdemeanor listed in Paragraph (B)(vii) of this subdivision, or a  
1-48 crime of violence; or

1-49 (D) acquired with proceeds gained from the  
1-50 commission of a felony listed in Paragraph (A) or (B) of this  
1-51 subdivision, a misdemeanor listed in Paragraph (B)(vii) of this  
1-52 subdivision, or a crime of violence.

1-53 SECTION 2. The change in law made by this Act applies only  
1-54 to the forfeiture of contraband used in the commission of an offense  
1-55 under Section 20.05, Penal Code, committed on or after the  
1-56 effective date of this Act. Forfeiture of contraband used in the  
1-57 commission of an offense under Section 20.05, Penal Code, committed  
1-58 before the effective date of this Act is covered by the law in  
1-59 effect when the offense was committed, and the former law is  
1-60 continued in effect for that purpose. For purposes of this section,  
1-61 an offense is committed before the effective date of this Act if any  
1-62 element of the offense occurs before that date.

1-63 SECTION 3. This Act takes effect September 1, 2005.

