

AN ACT

relating to the implementation of multicounty drug task forces.

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

SECTION 1. Section 362.001, Local Government Code, is amended by adding Subdivision (3) to read as follows:

(3) "Multicounty drug task force" means a mutual aid law enforcement task force that is established as a multicounty law enforcement cooperation between counties and municipalities to enhance multicounty interagency coordination, acquire intelligence information, and facilitate multicounty investigations of drug-related crimes.

SECTION 2. Chapter 362, Local Government Code, is amended by adding Section 362.004 to read as follows:

Sec. 362.004. MULTICOUNTY DRUG TASK FORCE. (a) A multicounty drug task force is composed of law enforcement agencies located in two or more counties in this state. A multicounty drug task force may be established and operated only after the Department of Public Safety confirms:

(1) a strategic need for the task force; and

(2) the composition of the task force.

(b) A multicounty drug task force, and any county or municipality participating in the task force, must comply with the policies and procedures established for the operation of a multicounty drug task force by the Department of Public Safety.

1 SECTION 3. Subchapter A, Chapter 411, Government Code, is  
2 amended by adding Section 411.0097 to read as follows:

3 Sec. 411.0097. MULTICOUNTY DRUG TASK FORCES. (a) The  
4 department shall establish policies and procedures for multicounty  
5 drug task forces, as defined by Section 362.001, Local Government  
6 Code, and may exercise the authority necessary to ensure compliance  
7 with those policies and procedures.

8 (b) The department shall evaluate each multicounty drug  
9 task force with respect to whether the task force:

10 (1) complies with state and federal requirements,  
11 including policies and procedures established by department rule;  
12 and

13 (2) demonstrates effective performance outcomes.

14 (c) The department shall submit semiannually to the  
15 governor's office and the Legislative Budget Board a report that  
16 includes a written evaluation of the matters described by  
17 Subsection (b).

18 SECTION 4. Article 59.06, Code of Criminal Procedure, is  
19 amended by adding Subsection (q) to read as follows:

20 (q)(1) Notwithstanding any other provision of this article,  
21 a multicounty drug task force, or a county or municipality  
22 participating in the task force, that is not established in  
23 accordance with Section 362.004, Local Government Code, or that  
24 fails to comply with the policies and procedures established by the  
25 Department of Public Safety under that section, and that  
26 participates in the seizure of contraband shall forward to the  
27 comptroller all proceeds received by the task force from the

1 forfeiture of the contraband. The comptroller shall deposit the  
2 proceeds in the state treasury to the credit of the general revenue  
3 fund.

4 (2) The attorney general shall ensure the enforcement  
5 of Subdivision (1) by filing any necessary legal proceedings in the  
6 county in which the contraband is forfeited or in Travis County.

7 SECTION 5. Article 59.06(q), Code of Criminal Procedure, as  
8 added by this Act, applies to proceeds from the sale of property  
9 that is forfeited under Chapter 59 of that code on or after the  
10 effective date of this Act. The disposition of proceeds from the  
11 sale of property that was forfeited under that chapter before the  
12 effective date of this Act is governed by the law in effect on the  
13 date the property was forfeited, and the former law is continued in  
14 effect for that purpose.

15 SECTION 6. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1239 was passed by the House on April 20, 2005, by the following vote: Yeas 138, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1239 on May 19, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 1239 was passed by the Senate, with amendments, on May 11, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor