

By: Cook of Navarro

H.B. No. 2275

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the forfeiture of certain contraband used in the
3 commission of certain felony intoxication offenses.

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

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

9 (2) "Contraband" means property of any nature,
10 including real, personal, tangible, or intangible, that is:

11 (A) used in the commission of:

12 (i) any first or second degree felony under
13 the Penal Code;

14 (ii) any felony under Section 15.031(b),
15 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30, 31, 32,
16 33, 33A, or 35, Penal Code; ~~or~~

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

19 (iv) any offense under Chapter 49, Penal
20 Code, that is punishable as a felony of the third degree or state
21 jail felony, if the defendant has been previously convicted three
22 times of an offense under that chapter;

23 (B) used or intended to be used in the commission
24 of:

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

3 (ii) any felony under Chapter 483, Health
4 and Safety Code;

5 (iii) a felony under Chapter 153, Finance
6 Code;

7 (iv) any felony under Chapter 34, Penal
8 Code;

9 (v) a Class A misdemeanor under Subchapter
10 B, Chapter 365, Health and Safety Code, if the defendant has been
11 previously convicted twice of an offense under that subchapter;

12 (vi) any felony under Chapter 152, Finance
13 Code; ~~or~~

14 (vii) any felony under Chapter 31, 32, or
15 37, Penal Code, that involves the state Medicaid program, or any
16 felony under Chapter 36, Human Resources Code; or

17 (viii) [~~(vii)~~] a Class B misdemeanor under
18 Section 35.60 [~~35.58~~], Business & Commerce Code;

19 (C) the proceeds gained from the commission of a
20 felony listed in Paragraph (A) or (B) of this subdivision, a
21 misdemeanor listed in Paragraph (B)(viii) [~~(B)(vii)~~] of this
22 subdivision, or a crime of violence; or

23 (D) acquired with proceeds gained from the
24 commission of a felony listed in Paragraph (A) or (B) of this
25 subdivision, a misdemeanor listed in Paragraph (B)(viii)
26 [~~(B)(vii)~~] of this subdivision, or a crime of violence.

27 SECTION 2. Chapter 704, Transportation Code, is repealed.

1 SECTION 3. The change in law made by this Act applies only
2 to the forfeiture of contraband used in the commission of an offense
3 under Chapter 49, Penal Code, on or after the effective date of this
4 Act. Forfeiture of contraband used in the commission of an offense
5 under Chapter 49, Penal Code, before the effective date of this Act
6 is covered by the law in effect when the offense was committed, and
7 the former law is continued in effect for that purpose. For purposes
8 of this section, an offense was committed before the effective date
9 of this Act if any element of the offense was committed before that
10 date.

11 SECTION 4. This Act takes effect September 1, 2005.