

1-1 By: Cook of Navarro (Senate Sponsor - Ellis) H.B. No. 2275
1-2 (In the Senate - Received from the House April 27, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 13, 2005, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

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

1-8 relating to the forfeiture of certain contraband used in the
1-9 commission of certain felony intoxication 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 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30, 31, 32,
1-22 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); or

1-25 (iv) any offense under Chapter 49, Penal
1-26 Code, that is punishable as a felony of the third degree or state
1-27 jail felony, if the defendant has been previously convicted three
1-28 times of an offense under that chapter;

1-29 (B) used or intended to be used in the commission
1-30 of:

1-31 (i) any felony under Chapter 481, Health
1-32 and Safety Code (Texas Controlled Substances Act);

1-33 (ii) any felony under Chapter 483, Health
1-34 and Safety Code;

1-35 (iii) a felony under Chapter 153, Finance
1-36 Code;

1-37 (iv) any felony under Chapter 34, Penal
1-38 Code;

1-39 (v) a Class A misdemeanor under Subchapter
1-40 B, Chapter 365, Health and Safety Code, if the defendant has been
1-41 previously convicted twice of an offense under that subchapter;

1-42 (vi) any felony under Chapter 152, Finance
1-43 Code; ~~[or]~~

1-44 (vii) any felony under Chapter 31, 32, or
1-45 37, Penal Code, that involves the state Medicaid program, or any
1-46 felony under Chapter 36, Human Resources Code; or

1-47 (viii) ~~[(vii)]~~ a Class B misdemeanor under
1-48 Section 35.60 ~~[35.58]~~, Business & Commerce Code;

1-49 (C) the proceeds gained from the commission of a
1-50 felony listed in Paragraph (A) or (B) of this subdivision, a
1-51 misdemeanor listed in Paragraph (B)(viii) ~~[(B)(vii)]~~ of this
1-52 subdivision, or a crime of violence; or

1-53 (D) acquired with proceeds gained from the
1-54 commission of a felony listed in Paragraph (A) or (B) of this
1-55 subdivision, a misdemeanor listed in Paragraph (B)(viii)
1-56 ~~[(B)(vii)]~~ of this subdivision, or a crime of violence.

1-57 SECTION 2. Chapter 704, Transportation Code, is repealed.

1-58 SECTION 3. The change in law made by this Act applies only
1-59 to the forfeiture of contraband used in the commission of an offense
1-60 under Chapter 49, Penal Code, on or after the effective date of this
1-61 Act. Forfeiture of contraband used in the commission of an offense
1-62 under Chapter 49, Penal Code, before the effective date of this Act
1-63 is covered by the law in effect when the offense was committed, and
1-64 the former law is continued in effect for that purpose. For purposes

2-1 of this section, an offense was committed before the effective date
2-2 of this Act if any element of the offense was committed before that
2-3 date.

2-4 SECTION 4. This Act takes effect September 1, 2005.

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