

By: Hinojosa

S.B. No. 1125

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the establishment and operation of multicounty drug  
3 task forces and to the disposition of certain contraband seized by  
4 those task forces.

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

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

8 (3) "Multicounty drug task force" means a mutual aid  
9 law enforcement task force that is established as a multicounty law  
10 enforcement cooperation between counties and municipalities to  
11 enhance multicounty interagency coordination, acquire intelligence  
12 information, and facilitate multicounty investigations of  
13 drug-related crimes. The term does not include a  
14 multijurisdictional drug task force that is funded by the criminal  
15 justice division of the governor's office.

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

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

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

24 (2) the composition of the task force.

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

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

7       Sec. 411.0097. MULTICOUNTY DRUG ENFORCEMENT TASK FORCES.

8       (a) The department shall establish policies and procedures for  
9 multicounty drug task forces, as defined by Section 362.001, Local  
10 Government Code, and may exercise the authority necessary to ensure  
11 compliance with those policies and procedures.

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

14               (1) complies with state and federal requirements,  
15 including policies and procedures established by the department;  
16 and

17               (2) demonstrates effective performance outcomes.

18       (c) The department shall semiannually submit to the  
19 governor's office and the Legislative Budget Board a report that  
20 includes a written evaluation of the matters described by  
21 Subsection (b).

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

24       (q) This subsection applies only to proceeds from the sale  
25 of forfeited property that was seized by a multicounty drug task  
26 force, as defined by Section 362.001, Local Government Code,  
27 regardless of whether the task force was acting alone or in

1 cooperation with another law enforcement agency, except for  
2 proceeds required to be deposited in the state treasury to the  
3 credit of the general revenue fund. Notwithstanding any other  
4 provision of this article or the terms of a local agreement, after  
5 the deduction of court costs to which a district court clerk is  
6 entitled under Article 59.05(f) and if the task force receives  
7 proceeds of a sale, the task force may retain 75 percent of the  
8 proceeds or may distribute any portion of that amount in any manner  
9 consistent with this article. The remaining 25 percent of the  
10 proceeds shall be deposited in a special fund in the treasury of the  
11 county in which the property was located at the time of seizure.  
12 The commissioners court of that county may spend or use the money in  
13 that special fund only for:

- 14 (1) programs designed to prevent drug abuse;  
15 (2) chemical dependency treatment programs; or  
16 (3) any other service or program likely to reduce drug  
17 use in the county.

18 SECTION 5. Subsection (q), Article 59.06, Code of Criminal  
19 Procedure, as added by this Act, applies to proceeds from the sale  
20 of property that is forfeited under Chapter 59 of that code on or  
21 after the effective date of this Act. The disposition of proceeds  
22 from the sale of property that was forfeited under that chapter  
23 before the effective date of this Act is governed by the law in  
24 effect on the date the property was forfeited, and the former law is  
25 continued in effect for that purpose.

26 SECTION 6. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2005.