

1-1 By: Hinojosa S.B. No. 1125
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 21, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 21, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1125 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the establishment and operation of multicounty drug
1-11 task forces and to the disposition of certain contraband seized by
1-12 those task forces.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 362.001, Local Government Code, is
1-15 amended by adding Subdivision (3) to read as follows:

1-16 (3) "Multicounty drug task force" means a mutual aid
1-17 law enforcement task force that is established as a multicounty law
1-18 enforcement cooperation between counties and municipalities to
1-19 enhance multicounty interagency coordination, acquire intelligence
1-20 information, and facilitate multicounty investigations of
1-21 drug-related crimes. The term does not include a
1-22 multijurisdictional drug task force that is funded by the criminal
1-23 justice division of the governor's office.

1-24 SECTION 2. Chapter 362, Local Government Code, is amended
1-25 by adding Section 362.004 to read as follows:

1-26 Sec. 362.004. MULTICOUNTY DRUG TASK FORCES. (a) A
1-27 multicounty drug task force is composed of law enforcement agencies
1-28 located in two or more contiguous counties in this state. A
1-29 multicounty drug task force may be established and operated only
1-30 after the Department of Public Safety confirms:

1-31 (1) a strategic need for the task force; and

1-32 (2) the composition of the task force.

1-33 (b) A multicounty drug task force, and any county or
1-34 municipality participating in the task force, must comply with the
1-35 policies and procedures established for the operation of a
1-36 multicounty drug task force by the Department of Public Safety.

1-37 SECTION 3. Subchapter A, Chapter 411, Government Code, is
1-38 amended by adding Section 411.0097 to read as follows:

1-39 Sec. 411.0097. MULTICOUNTY DRUG ENFORCEMENT TASK FORCES.

1-40 (a) The department shall establish policies and procedures for
1-41 multicounty drug task forces, as defined by Section 362.001, Local
1-42 Government Code, and may exercise the authority necessary to ensure
1-43 compliance with those policies and procedures.

1-44 (b) The department shall evaluate each multicounty drug
1-45 task force with respect to whether the task force:

1-46 (1) complies with state and federal requirements,
1-47 including policies and procedures established by the department;
1-48 and

1-49 (2) demonstrates effective performance outcomes.

1-50 (c) The department shall semiannually submit to the
1-51 governor's office and the Legislative Budget Board a report that
1-52 includes a written evaluation of the matters described by
1-53 Subsection (b).

1-54 SECTION 4. Article 59.06, Code of Criminal Procedure, is
1-55 amended by adding Subsection (q) to read as follows:

1-56 (q) This subsection applies only to proceeds from the sale
1-57 of forfeited property that was seized by a multicounty drug task
1-58 force, as defined by Section 362.001, Local Government Code,
1-59 regardless of whether the task force was acting alone or in
1-60 cooperation with another law enforcement agency, except for
1-61 proceeds required to be deposited in the state treasury to the
1-62 credit of the general revenue fund. Notwithstanding any other
1-63 provision of this article or the terms of a local agreement, after

2-1 the deduction of court costs to which a district court clerk is
2-2 entitled under Article 59.05(f) and if the task force receives
2-3 proceeds of a sale, the task force may retain 75 percent of the
2-4 proceeds or may distribute any portion of that amount in any manner
2-5 consistent with this article. The remaining 25 percent of the
2-6 proceeds shall be deposited in a special fund in the treasury of the
2-7 county in which the property was located at the time of seizure.
2-8 The commissioners court of that county may spend or use the money in
2-9 that special fund only for:

- 2-10 (1) programs designed to prevent drug abuse;
- 2-11 (2) chemical dependency treatment programs; or
- 2-12 (3) any other service or program likely to reduce drug
2-13 use in the county.

2-14 SECTION 5. Subsection (q), Article 59.06, Code of Criminal
2-15 Procedure, as added by this Act, applies to proceeds from the sale
2-16 of property that is forfeited under Chapter 59 of that code on or
2-17 after the effective date of this Act. The disposition of proceeds
2-18 from the sale of property that was forfeited under that chapter
2-19 before the effective date of this Act is governed by the law in
2-20 effect on the date the property was forfeited, and the former law is
2-21 continued in effect for that purpose.

2-22 SECTION 6. This Act takes effect immediately if it receives
2-23 a vote of two-thirds of all the members elected to each house, as
2-24 provided by Section 39, Article III, Texas Constitution. If this
2-25 Act does not receive the vote necessary for immediate effect, this
2-26 Act takes effect September 1, 2005.

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