

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 6, 2005**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB840** by Riddle (Relating to the forfeiture of contraband used to facilitate or intended to be used to facilitate the commission of certain criminal offenses.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure by adding to the definition of contraband for the purposes of forfeiture, property of any nature used to facilitate or intended to be used to facilitate the commission of a felony offense of criminal solicitation of a child or of sexual performance by a child. Also added to the definition would be a motor vehicle used in the commission of soliciting another in a public place to engage in sexual conduct for hire. The bill would make certain allowances for when the property is community property, jointly owned, or was loaned to the defendant.

The bill would take effect September 1, 2005.

Under certain circumstances, contraband subject to forfeiture can be sold by the attorney representing the state (county or municipal prosecutor) and the proceeds, or a part of the proceeds, may cover some associated court costs and other costs related to enforcement and prosecution of the applicable criminal offenses.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DLBa