

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 27, 2005

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Tom Craddick, Speaker of the House, House of Representatives

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

IN RE: HB1048 by Chisum (Relating to the seizure of property by law enforcement, the treatment of that property in a criminal proceeding, and the forfeiture of certain criminal contraband.),
Conference Committee Report

No fiscal implication to the State is anticipated.

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 in the commission of a felony offense of unlawful transport. 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.

The bill also would amend the Code of Criminal Procedure to require, in a county with a population of 500,000 or more, that during or after a criminal proceeding, the court reporter shall release for safekeeping any firearm or contraband received as an exhibit in that proceeding to the sheriff or to the law enforcement agency that collected, seized, or took possession of the firearm or contraband or produced those items at the proceeding. Under current statute, the firearm or contraband must be released only to the sheriff.

The bill would take effect September 1, 2005.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, KJG, DLBa