

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

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

**April 22, 2005**

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

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

**IN RE: SB992** by Ellis (Relating to the forfeiture of certain contraband used in the commission of certain felony intoxication offenses.), **As Introduced**

<b>No significant 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 what is contraband that is subject to forfeiture, property of any nature, including real, personal, tangible, or intangible, that is used in the commission of an Intoxication Assault offense or a Driving While Intoxicated with a Child Passenger offense, if the defendant has been previously convicted three times of any intoxication offense under Chapter 49, Penal Code.

The bill would also repeal Chapter 704 of the Transportation Code, thereby removing existing procedures related to the forfeiture of certain motor vehicles.

The proposed change in law would apply only to the forfeiture of contraband used in the commission of an offense under Chapter 49, Penal Code, or or after the effective date of the bill, which is 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