

## **BILL ANALYSIS**

C.S.S.B. 1780  
By: Whitmire  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Drug courts have demonstrated a low recidivism rate and a lower cost to the state than incarceration. As proposed, this bill establishes funding to expand and maintain drug courts within the state. This creates an additional funding source to work in conjunction with grants from the governor's criminal justice division and any future court costs.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Article 59.06(h), Code of Criminal Procedure, by authorizing (rather than requiring) the attorney representing the state or the head of a law enforcement agency, as a specific exception to the requirement that the special funds described by Subdivisions (1)-(3) of Subsection (c) be used only for the official purposes of the attorney representing the state or for law enforcement purposes, on agreement between the attorney representing the state or the head of a law enforcement agency and the governing body of a political subdivision, to comply with the request of the governing body to deposit not more than a total of 10 percent of the gross amount credited to the attorney's or agency's fund into the treasury of the political subdivision.

SECTION 2. Amends Article 59.06, Code of Criminal Procedure, by adding Subsections (r), (s), and (t), as follows:

(r) Requires the attorney representing the state to deposit 10 percent of the gross amount credited to the attorney's fund into the county treasury in any county that implements or operates a drug court program under Chapter 469 (Drug Court Programs), Health and Safety Code, as a specific exception to the requirement that the special funds described by Subdivisions (1)-(3) of Subsection (c) be used only for the official purposes of the attorney representing the state or for law enforcement purposes. Requires the commissioners court to use the funds received under this subsection to implement or operate the drug court program in the county.

(s) Authorizes the state auditor to conduct audits and investigations related to the seizure, forfeiture, receipt and specific expenditure of all proceeds and property under this article in accordance with Chapter 321 (State Auditor), Government Code and Article 59.06, Code of Criminal Procedure.

(t) Allows the state auditor to access any book, account, voucher, confidential or nonconfidential report, or other record of information, including electronic data, maintained by a county auditor under this article, except that the state auditor may only access information restricted under federal law with the approval of the appropriate federal administrative agency. Provides that the state auditor may access only for purposes of performing an audit any copyrighted or restricted information obtained by the comptroller under subscription agreements and used in the preparation of the comptroller's economic estimates.

SECTION 3. Effective date: September 1, 2007.

## **EFFECTIVE DATE**

September 1, 2007.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSSB 1780 adds a section not in the original bill by amending Article 59.06(h), Code of Criminal Procedure, to authorize (rather than require) the attorney representing the state or the head of a law enforcement agency, as a specific exception to the requirement that the special funds described by Subdivisions (1)-(3) of Subsection (c) be used only for the official purposes of the attorney representing the state or for law enforcement purposes, on agreement between the attorney representing the state or the head of a law enforcement agency and the governing body of a political subdivision, to comply with the request of the governing body to deposit not more than a total of 10 percent of the gross amount credited to the attorney's or agency's fund into the treasury of the political subdivision.

CSSB 1780 adds language not in the original bill which allows the state auditor to conduct audits and investigations related to the seizure, forfeiture, receipt and specific expenditure of all proceeds and property under Article 59.06, Code of Criminal Procedure, in accordance with Chapter 321 (State Auditor), Government Code and Article 59.06, Code of Criminal Procedure.

CSSB 1780 adds language not in the original bill which allows the state auditor to access any book, account, voucher, confidential or nonconfidential report, or other record of information, including electronic data, maintained by a county auditor under Article 59.06, Code of Criminal Procedure, except that the state auditor may only access information restricted under federal law with the approval of the appropriate federal administrative agency, and may access only for purposes of performing an audit any copyrighted or restricted information obtained by the comptroller under subscription agreements and used in the preparation of the comptroller's economic estimates.