

By: Dutton

H.B. No. 910

A BILL TO BE ENTITLED

AN ACT

relating to civil penalties for committing the offense of prostitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 59.01(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); ~~or~~

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter; or

(v) a misdemeanor under Section 43.02(a)(2), Penal Code, except that for the purpose of this subparagraph only, the property that constitutes contraband is a motor vehicle used in the commission of the offense;

1 (B) used or intended to be used in the commission
2 of:

3 (i) any felony under Chapter 481, Health
4 and Safety Code (Texas Controlled Substances Act);

5 (ii) any felony under Chapter 483, Health
6 and Safety Code;

7 (iii) a felony under Chapter 153, Finance
8 Code;

9 (iv) any felony under Chapter 34, Penal
10 Code;

11 (v) a Class A misdemeanor under Subchapter
12 B, Chapter 365, Health and Safety Code, if the defendant has been
13 previously convicted twice of an offense under that subchapter;

14 (vi) any felony under Chapter 152, Finance
15 Code;

16 (vii) any felony under Chapter 31, 32, or
17 37, Penal Code, that involves the state Medicaid program, or any
18 felony under Chapter 36, Human Resources Code; or

19 (viii) a Class B misdemeanor under Section
20 35.60, Business & Commerce Code;

21 (C) the proceeds gained from the commission of a
22 felony listed in Paragraph (A) or (B) of this subdivision, a
23 misdemeanor listed in Paragraph (B)(viii) of this subdivision, or a
24 crime of violence;

25 (D) acquired with proceeds gained from the
26 commission of a felony listed in Paragraph (A) or (B) of this
27 subdivision, a misdemeanor listed in Paragraph (B)(viii) of this

1 subdivision, or a crime of violence; or

2 (E) used to facilitate or intended to be used to
3 facilitate the commission of a felony under Section 15.031 or
4 43.25, Penal Code.

5 SECTION 2. The change in law made by Section 1 of this Act
6 applies only to the forfeiture of contraband used in the commission
7 of an offense under Section 43.02(a)(2), Penal Code, committed on
8 or after the effective date of this Act. Forfeiture of contraband
9 used in the commission of an offense under Section 43.02(a)(2),
10 Penal Code, committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense is committed before the effective date of
14 this Act if any element of the offense occurs before that date.

15 SECTION 3. This Act takes effect September 1, 2007.