

By: Whitmire

S.B. No. 1780

Substitute the following for S.B. No. 1780:

By: Madden

C.S.S.B. No. 1780

A BILL TO BE ENTITLED

AN ACT

relating to property and proceeds from criminal asset forfeiture.

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

SECTION 1. Article 59.06(h), Code of Criminal Procedure, is amended to read as follows:

(h) As a specific exception to the requirement of Subdivisions (1)-(3) of Subsection (c) of this article that the funds described by those subdivisions 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, the attorney representing the state or the head of the law enforcement agency may ~~shall~~ 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. The governing body of the political subdivision shall, by ordinance, order, or resolution, use funds received under this subsection for:

(1) nonprofit programs for the prevention of drug abuse;

(2) nonprofit chemical dependency treatment facilities licensed under Chapter 464, Health and Safety Code;

(3) nonprofit drug and alcohol rehabilitation or

1 prevention programs administered or staffed by professionals
2 designated as qualified and credentialed by the Texas Commission on
3 Alcohol and Drug Abuse; or

4 (4) financial assistance as described by Subsection
5 (o).

6 SECTION 2. Article 59.06, Code of Criminal Procedure, is
7 amended by adding Subsections (r), (s), and (t) to read as follows:

8 (r) As a specific exception to the requirement of
9 Subdivisions (1)-(3) of Subsection (c) that the funds described by
10 those subdivisions be used only for the official purposes of the
11 attorney representing the state or for law enforcement purposes, in
12 any county that implements or operates a drug court program under
13 Chapter 469, Health and Safety Code, the attorney representing the
14 state shall deposit 10 percent of the gross amount credited to the
15 attorney's fund into the county treasury. The commissioners court
16 shall use the funds received under this subsection to implement or
17 operate the drug court program in the county.

18 (s) The state auditor may conduct audits and investigations
19 related to the seizure, forfeiture, receipt, and specific
20 expenditure of all proceeds and property under this article in
21 accordance with this article and Chapter 321, Government Code.

22 (t) The state auditor is entitled to access any book,
23 account, voucher, confidential or nonconfidential report, or other
24 record of information, including electronic data, maintained by a
25 county auditor under this article, except that:

26 (1) if the release of the applicable information is
27 restricted under federal law, the state auditor may access the

1 information only with the approval of the appropriate federal
2 administrative agency; and

3 (2) the state auditor may access only for purposes of
4 performing an audit any copyrighted or restricted information
5 obtained by the comptroller under subscription agreements and used
6 in the preparation of the comptroller's economic estimates.

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