

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable Jerry Madden, Chair, House Committee on Corrections

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

IN RE: SB1780 by Whitmire (Relating to property and proceeds from criminal asset forfeiture.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend Article 59.06, Code of Criminal Procedure, regarding property and proceeds from criminal forfeiture.

The bill would amend subsection (h) to change from mandating complying with a request to deposit into the treasury of an applicable political subdivision not more than a total of 10 percent of the gross amount or proceeds from a forfeiture credited to an attorney's or agency's fund to permitting the attorney representing the state or the head of the law enforcement agency to comply with such a request from a political subdivision. Under subsection (h), those funds are used for various nonprofit programs related to drug abuse prevention, chemical dependency treatment, and drug and alcohol rehabilitation.

The bill would add subsection (r) to require in a county that implements or operates a drug court program under Chapter 469, Health and Safety Code, and in which the attorney representing the state has an agreement with local law enforcement regarding disposition of forfeited property that the attorney deposit into the county treasury 10 percent of the gross amount from a forfeiture credited to the attorney's fund for use to implement or operate the drug court program.

The bill would add subsections (s) and (t) to authorize the State Auditor's Office (SAO) to conduct audits and investigations related to the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property seized by certain governmental entities. Additionally, the bill expressly states that the SAO would be entitled to access all records and information maintained by the county auditor's offices, including federally restricted information (with federal approval). The bill would also authorize the SAO to have access to certain copyrighted or restricted information obtained by the Office of the Comptroller of Public Accounts.

The bill would take effect September 1, 2007.

The SAO estimates that costs associated with implementing provisions of the bill could be absorbed within existing resources.

Local Government Impact

The fiscal impact to units of local government would vary depending on the amount of forfeited contraband seized per year and the value of the seized property.

Source Agencies: 304 Comptroller of Public Accounts, 308 State Auditor's Office

LBB Staff: JOB, ES, DB