

BILL ANALYSIS

S.B. 1707
By: West
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, state law allows law enforcement agencies to use seized asset funds for salaries and overtime pay for officers, officer training, equipment and supplies. Agencies have often had large amounts of these type of funds left over from the previous years.

As proposed, S.B. 1707 will allow law enforcement agencies to use 10 percent of seized assets to develop a scholarship fund for children of peace officers killed in the line of duty. The scholarships can be used for children of fallen officers attending public or private colleges and universities in Texas to pay for tuition and fees, housing, books, supplies, transportation, and other related personal expenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Article 59.06, Code of Criminal Procedure, by adding Subsections (r) and (s), as follows:

(r) Authorizes a law enforcement agency (agency), as a specific exception to Subsection (c)(2) (relating to a special fund in the municipal treasury), (3) (relating to a special fund in the county treasury), or (4) (relating to a special fund in the agency), to transfer not more than 10 percent of the gross amount credited to the agency's fund to a separate special fund in the treasury of the political subdivision or state agency, as applicable. Requires the agency to administer the separate special fund. Requires that interest received from the investment of money in the fund be credited to the fund. Authorizes the agency to use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Authorizes scholarships under this subsection to be used only to pay the costs of attendance at an institution of higher education or private or independent institution of higher education, including tuition and fees and costs for housing, books, supplies, transportation, and other related personal expenses. Defines, in this subsection, "institution of higher education" and "private or independent institution of higher education."

(s) Requires the attorney general, not later than April 1 of each year, to develop a report detailing the total value of forfeited property in this state in the preceding calendar year, as specified according to the law enforcement agency seizing the property. Requires the attorney general to maintain in a prominent location on its publicly accessible Internet website a link to the most recent annual report developed under this subsection.

SECTION 2. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.