

By: Fletcher

H.B. No. 2887

Substitute the following for H.B. No. 2887:

By: Flynn

C.S.H.B. No. 2887

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the disposition of property seized by the Texas
3 Department of Public Safety in connection with violations of the
4 Texas Controlled Substances Act.

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

6 SECTION 1. Article 59.06, Code of Criminal Procedure, is
7 amended by adding Subsection (c-2) to read as follows:

8 (c-2) Notwithstanding Subsection (a), with respect to
9 forfeited property seized in connection with a violation of Chapter
10 481, Health and Safety Code (Texas Controlled Substances Act), by a
11 peace officer employed by the Department of Public Safety, the
12 attorney representing the state shall enter into a local agreement
13 with the department that allows the attorney representing the state
14 either to:

15 (1) transfer forfeited property to the department to
16 maintain, repair, use, and operate for official purposes in the
17 manner provided by Subsection (b); or

18 (2) allocate proceeds from the sale of forfeited
19 property described by Subsection (c), after the deduction of court
20 costs as described by that subsection, in the following
21 proportions:

22 (A) 40 percent to a special fund in the
23 department to be used solely for law enforcement purposes;

24 (B) 30 percent to a special fund in the county

1 treasury for the benefit of the office of the attorney representing
2 the state, to be used by the attorney solely for the official
3 purposes of the attorney's office; and

4 (C) 30 percent to the general revenue fund.

5 SECTION 2. Article 59.06, Code of Criminal Procedure, as
6 amended by this Act, applies to property seized or taken into
7 custody on or after the effective date of this Act. Property seized
8 or taken into custody before the effective date of this Act is
9 governed by the law in effect on the date the property is seized or
10 taken into custody, and the former law is continued in effect for
11 that purpose.

12 SECTION 3. This Act takes effect September 1, 2011.