

By: Lucio III

H.B. No. 3050

A BILL TO BE ENTITLED

AN ACT

relating to the seizure of contraband by law enforcement agencies.

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

SECTION 1. Article 59.03, Code of Criminal Procedure, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) Regardless of whether that property can be considered contraband under another law, a law enforcement agency that seizes or participates in the seizure of property identified as or alleged to be contraband:

(1) shall follow the forfeiture procedures required under this chapter; or

(2) must obtain the written consent of the attorney representing the state before the agency makes the property available for a forfeiture proceeding provided for by a law other than this chapter.

(f) A law enforcement agency that violates Subsection (e) forfeits the agency's claim to any proceeds resulting from the disposition of the forfeited property. Any proceeds shall be distributed to entities otherwise entitled to those proceeds under Article 59.06.

(g) The attorney representing the state shall enforce Subsection (f) by filing any necessary legal proceedings in the county in which the property was seized.

SECTION 2. The change in law made by this Act in amending

1 Article 59.03, Code of Criminal Procedure, applies only to property
2 seized on or after the effective date of this Act. Property seized
3 before the effective date of this Act is covered by the law in
4 effect when the property was seized, and the former law is continued
5 in effect for that purpose. For purposes of this section, property
6 was seized before the effective date of this Act if any portion of
7 the property was seized before that date.

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