

By: Pena

H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to the forfeiture of contraband used in the commission of certain offenses.

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

SECTION 1. Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 153 (S.B. 2225), 1130 (H.B. 2086), and 1357 (S.B. 554), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); [~~or~~]

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter; or

(v) an offense under Chapter 13, 64, 84, or 86, Election Code;

1 (B) used or intended to be used in the commission  
2 of:

3 (i) any felony under Chapter 481, Health  
4 and Safety Code (Texas Controlled Substances Act);

5 (ii) any felony under Chapter 483, Health  
6 and Safety Code;

7 (iii) a felony under Chapter 153, Finance  
8 Code;

9 (iv) any felony under Chapter 34, Penal  
10 Code;

11 (v) a Class A misdemeanor under Subchapter  
12 B, Chapter 365, Health and Safety Code, if the defendant has been  
13 previously convicted twice of an offense under that subchapter;

14 (vi) any felony under Chapter 152, Finance  
15 Code;

16 (vii) any felony under Chapter 32, Human  
17 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that  
18 involves the state Medicaid program;

19 (viii) a Class B misdemeanor under Chapter  
20 522, Business & Commerce Code;

21 (ix) a Class A misdemeanor under Section  
22 306.051, Business & Commerce Code; ~~or~~

23 (x) any offense under Section 42.10, Penal  
24 Code;

25 (xi) ~~[(\*)]~~ any offense under Section  
26 46.06(a)(1) or 46.14, Penal Code; or

27 (xii) ~~[(\*)]~~ any offense under Chapter 71,

1 Penal Code;

2 (C) the proceeds gained from the commission of a  
3 felony listed in Paragraph (A) or (B) of this subdivision, a  
4 misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii)  
5 [~~(B)(viii) or (x)~~] of this subdivision, or a crime of violence;

6 (D) acquired with proceeds gained from the  
7 commission of a felony listed in Paragraph (A) or (B) of this  
8 subdivision, a misdemeanor listed in Paragraph (B)(viii), (x),  
9 (xi), or (xii) [~~(B)(viii) or (x)~~] of this subdivision, or a crime of  
10 violence; or

11 (E) used to facilitate or intended to be used to  
12 facilitate the commission of a felony under Section 15.031 or  
13 43.25, Penal Code.

14 SECTION 2. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 covered by the law in effect when the offense was committed, and the  
18 former law is continued in effect for that purpose. For purposes of  
19 this section, an offense was committed before the effective date of  
20 this Act if any element of the offense occurred before that date.

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