

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 28, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

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

IN RE: SB1701 by Williams (Relating to procedures for and evidence that may be presented at a criminal asset forfeiture hearing and to the forfeiture of substitute assets under certain circumstances.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure relating to procedures for and evidence that may be presented at a criminal asset forfeiture hearing. The bill would prohibit a court from suppressing evidence solely because the evidence was acquired by a search or seizure that violated the rights of the owner or interest holder under the United States Constitution or the Texas Constitution. The court would be authorized to order forfeiture of any other property of a person that otherwise is not subject to forfeiture if the court determined that the person's forfeited property was a result of certain acts or omissions. The court would be prohibited from ordering the forfeiture of property with a value greater than the value of the property originally ordered forfeited by the court.

Under the provisions of the bill, the amount of forfeited property may be increased and thus increase the amounts received by applicable entities. The Office of Court Administration reported the agency does not have statistics on forfeited property; therefore, it is impossible to predict whether there will be increases and, if so, to what degree. However, the fiscal impact is not anticipated to be significant on the State.

The bill would take effect September 1, 2011.

Local Government Impact

There could be additional administrative costs to a local governmental entity to dispose of forfeited property. In addition, there could be additional revenue as a result of the disposition of forfeited property, as court costs paid to the district clerk or revenues from the disposition, or both. The fiscal impact would vary depending on the costs associated with the disposition and the value of forfeited property, which in some individual cases could be significant, but the total amounts overall are not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, KJG, TP, TB