

BILL ANALYSIS

C.S.H.B. 501
By: Hernandez Luna
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law regarding contraband forfeiture provides for the seizure of money, vehicles, real property, or any other tangible items associated with the commission of an offense and for forfeiture of that contraband to the state. Contraband and contraband proceeds that are distributed into a special fund in a county or municipal treasury or state law enforcement agency must be used only for law enforcement purposes. C.S.H.B. 501 seeks to allow for a portion of the proceeds to be used to provide college scholarships for children of certain peace officers killed in the line of duty and to provide reporting requirements regarding the total value of forfeited property in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 501 amends the Code of Criminal Procedure to create an exception to the requirement that certain forfeited criminal assets and things of value, or the proceeds from the sale of such items, be deposited into a special fund in a county or municipal treasury or state law enforcement agency for distribution to and use by the applicable municipal, county, or state law enforcement agency solely for law enforcement purposes. The bill authorizes a law enforcement agency to transfer not more than 10 percent of the gross amount credited to the agency's fund to a separate special fund established in the treasury of the political subdivision or maintained by the state law enforcement agency, as applicable, for the sole purpose of providing scholarships to children of peace officers who were employed by the agency or by another law enforcement agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. The bill requires the law enforcement agency to administer the separate special fund and requires interest received from the investment of money in the fund to be credited to the fund. The bill restricts the use of such scholarships to payment of 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.

C.S.H.B. 501 requires the attorney general, not later than June 1 of each year, to develop a report based on information submitted by law enforcement agencies and attorneys representing Texas detailing the total amount of funds forfeited, or credited after the sale of forfeited property, in Texas in the preceding calendar year, and to maintain in a prominent location on the attorney general's publicly accessible Internet website a link to the most recent annual report.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 501 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

(r) As a specific exception to Subsection (c)(2), (3), or (4), a law enforcement agency may 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 law enforcement agency, as applicable. The law enforcement agency shall administer the separate special fund. Interest received from the investment of money in the fund shall be credited to the fund. The agency may use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another law enforcement agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Scholarships under this subsection may 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. In this subsection, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(s) Not later than June 1 of each year, the attorney general shall 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. The attorney general shall maintain in a prominent location on the attorney general's publicly accessible Internet website a link to the most recent annual report developed under this subsection.

HOUSE COMMITTEE SUBSTITUTE

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

(r) As a specific exception to Subsection (c)(2), (3), or (4), a law enforcement agency may transfer not more than 10 percent of the gross amount credited to the agency's fund to a separate special fund established in the treasury of the political subdivision or maintained by the state law enforcement agency, as applicable. The law enforcement agency shall administer the separate special fund. Interest received from the investment of money in the fund shall be credited to the fund. The agency may use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another law enforcement agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Scholarships under this subsection may 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. In this subsection, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(s) Not later than June 1 of each year, the attorney general shall develop a report based on information submitted by law enforcement agencies and attorneys representing the state under Subsection (g) detailing the total amount of funds forfeited, or credited after the sale of forfeited property, in this state in the preceding calendar year. The attorney general shall maintain in a prominent location on the attorney general's publicly accessible Internet website a link to the most recent annual report developed under this subsection.

SECTION 2. This Act takes effect
September 1, 2013.

SECTION 2. Same as introduced version.