

A BILL TO BE ENTITLED

AN ACT

relating to the reporting and disposition of proceeds and property from criminal asset forfeiture; authorizing a fee.

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

SECTION 1. Chapter 59, Code of Criminal Procedure, is amended by adding Article 59.063 to read as follows:

Art. 59.063. UNIFORM REPORTING REQUIREMENT. (a) Not later than the 90th day after the last day of the fiscal year for the agency, a law enforcement agency engaged in the seizure, forfeiture, receipt, or expenditure of proceeds and property received under this chapter shall submit to the state auditor an annual report covering the preceding fiscal year that includes:

(1) information on each seizure and forfeiture by the agency, including:

- (A) the date the proceeds or property was seized;
- (B) the type of any property seized, including the make, model, and serial number, as applicable;
- (C) the nature of the underlying offense;
- (D) the disposition of related criminal actions;
- (E) the venue of the forfeiture proceeding;
- (F) whether the owner of the proceeds or property subject to forfeiture is represented by an attorney in the forfeiture proceeding;
- (G) the value of the proceeds or property;

1           (H) the gross amount received from the  
2 forfeiture, the expenses deducted as part of the forfeiture  
3 proceeding, and the net amount received from the forfeiture; and

4           (I) the disposition of the proceeds or property  
5 following seizure and the date of that disposition; and

6           (2) the amount and purpose of each expenditure of  
7 forfeiture proceeds by the law enforcement agency, including:

8           (A) gang and substance abuse prevention and  
9 education;

10           (B) witness protection;

11           (C) court costs and attorney's fees;

12           (D) law enforcement agency salaries, overtime  
13 pay, and benefits for officers and employees;

14           (E) professional or outside services, including  
15 services related to auditing, court reporting, and expert  
16 witnesses;

17           (F) travel expenses, including meals and  
18 entertainment;

19           (G) training and conferences;

20           (H) operating expenses, including the cost of  
21 producing reports under this article;

22           (I) vehicles;

23           (J) law enforcement agency equipment, such as  
24 tactical gear and firearms;

25           (K) capital expenditures, such as furniture,  
26 computers, and office equipment; and

27           (L) any other uses of forfeiture proceeds.

1       (b) Each law enforcement agency shall file the report  
2 described by Subsection (a) covering the seizure, forfeiture,  
3 receipt, or expenditure of proceeds and property received under  
4 this chapter by the law enforcement agency. A report must be filed  
5 by a law enforcement agency that did not engage in a seizure or  
6 forfeiture during the reporting period indicating that fact.

7       (c) The state auditor shall adopt a standard form for the  
8 timely submission of a report under Subsection (a). The state  
9 auditor's office shall make the submitted reports available on its  
10 Internet website and shall provide printed copies to state  
11 legislators on request.

12       (d) Each law enforcement agency may use proceeds received  
13 under this chapter to pay costs incurred by the agency to comply  
14 with the requirements of this article.

15       (e) The state auditor may charge a fee to each law  
16 enforcement agency to cover costs incurred by the office in making  
17 the reports available under Subsection (c). Each law enforcement  
18 agency may use proceeds received under this chapter to pay the fee.

19       (f) A report submitted to the state auditor under this  
20 article is public information under Chapter 552, Government Code.

21       SECTION 2. The change in law made by this Act applies only  
22 to a fiscal year starting on or after January 1, 2014.

23       SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.