

By: Patrick

S.B. No. 878

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the disposition of proceeds and property from criminal
3 asset forfeiture.

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

5 SECTION 1. Article 59.06, Code of Criminal Procedure, is
6 amended by amending Subsections (c) and (c-1) and adding
7 Subsections (d-3) and (d-4) to read as follows:

8 (c) If a local agreement exists between the attorney
9 representing the state and law enforcement agencies, all money,
10 securities, negotiable instruments, stocks or bonds, or things of
11 value, or proceeds from the sale of those items, shall be deposited,
12 after the deduction of court costs to which a district court clerk
13 is entitled under Article 59.05(f), according to the terms of the
14 agreement into one or more of the following funds:

15 (1) a special fund in the county treasury for the
16 benefit of the office of the attorney representing the state, to be
17 used by the attorney solely for the official purposes of his office;

18 (2) a special fund in the municipal treasury if
19 distributed to a municipal law enforcement agency, to be used
20 solely for law enforcement purposes [~~such as salaries and overtime~~
21 ~~pay for officers, officer training, specialized investigative~~
22 ~~equipment and supplies, and items used by officers in direct law~~
23 ~~enforcement duties~~];

24 (3) a special fund in the county treasury if

1 distributed to a county law enforcement agency, to be used solely
2 for law enforcement purposes; or

3 (4) a special fund in the state law enforcement agency
4 if distributed to a state law enforcement agency, to be used solely
5 for law enforcement purposes.

6 (c-1) Notwithstanding Subsection (a), the attorney
7 representing the state and special rangers of the Texas and
8 Southwestern Cattle Raisers Association who meet the requirements
9 of Article 2.125 may enter into a local agreement that allows the
10 attorney representing the state to transfer proceeds from the sale
11 of forfeited property described by Subsection (c), after the
12 deduction of court costs as described by that subsection, to a
13 special fund established for the special rangers. Proceeds
14 transferred under this subsection must be used by the special
15 rangers solely for law enforcement purposes[~~, such as training,~~
16 ~~essential equipment, and operating expenses~~]. Any expenditures of
17 the proceeds are subject to the audit provisions established under
18 this article.

19 (d-3) Except as otherwise provided by this article, an
20 expenditure of proceeds or property received under this chapter is
21 considered to be for a law enforcement purpose if the expenditure is
22 made for an activity of a law enforcement agency that relates to the
23 criminal and civil enforcement of the laws of this state, including
24 an expenditure made for:

25 (1) equipment, including vehicles, computers,
26 firearms, protective body armor, furniture, software, uniforms,
27 and maintenance equipment;

1 (2) supplies, including office supplies, mobile phone
2 and data account fees for employees, and Internet services;

3 (3) investigative and training-related travel
4 expenses, including payment for hotel rooms, airfare, meals, rental
5 of and fuel for a motor vehicle, and parking;

6 (4) conferences and training expenses, including fees
7 and materials;

8 (5) investigative costs, including payments to
9 informants and lab expenses;

10 (6) crime prevention and treatment programs;

11 (7) facility costs, including building purchase,
12 lease payments, remodeling and renovating, maintenance, and
13 utilities;

14 (8) witness-related costs, including travel and
15 security; and

16 (9) audit costs and fees, including audit preparation
17 and professional fees.

18 (d-4) Except as otherwise provided by this article, an
19 expenditure of proceeds or property received under this chapter is
20 considered to be for an official purpose of an attorney's office if
21 the expenditure is made for an activity of an attorney or office of
22 an attorney representing the state that relates to the
23 preservation, enforcement, or administration of the laws of this
24 state, including an expenditure made for:

25 (1) equipment, including vehicles, computers, visual
26 aid equipment for litigation, firearms, body armor, furniture,
27 software, and uniforms;

1 (2) supplies, including office supplies, legal
2 library supplies and access fees, mobile phone and data account
3 fees for employees, and Internet services;

4 (3) prosecution and training-related travel expenses,
5 including payment for hotel rooms, airfare, meals, rental of and
6 fuel for a motor vehicle, and parking;

7 (4) conferences and training expenses, including fees
8 and materials;

9 (5) investigative costs, including payments to
10 informants and lab expenses;

11 (6) crime prevention and treatment programs;

12 (7) facility costs, including building purchase,
13 lease payments, remodeling and renovating, maintenance, and
14 utilities;

15 (8) legal fees, including court costs, witness fees,
16 and related costs, including travel and security, audit costs, and
17 professional fees; and

18 (9) state bar and legal association dues.

19 SECTION 2. The changes in law made by this Act apply to the
20 disposition or use, on or after the effective date of this Act, of
21 proceeds or property received by a law enforcement agency or
22 attorney representing the state under Chapter 59, Code of Criminal
23 Procedure, regardless of whether the receipt of the proceeds or
24 property occurred before, on, or after the effective date of this
25 Act.

26 SECTION 3. This Act takes effect September 1, 2013.