

BILL ANALYSIS

H.B. 530
By: Hernandez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law regarding contraband forfeiture provides for the seizure of certain tangible items associated with the commission of an offense and for forfeiture of that contraband to the state. The authorized use of contraband and contraband proceeds that are distributed into special funds in a county or municipal treasury or state law enforcement agency is limited, and H.B. 530 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 530 amends the Code of Criminal Procedure to create a specific 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 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, to provide scholarships to children of peace officers who were employed by a law enforcement 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 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. 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.

H.B. 530 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 the state 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 website a link to the most recent annual report.

EFFECTIVE DATE

September 1, 2015.