

BILL ANALYSIS

Senate Research Center
84R31675 KSD-D

C.S.H.B. 530
By: Hernandez (West)
Criminal Justice
5/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 C.S.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.

C.S.H.B. 530 amends current law relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(r) Prohibits a law enforcement agency, as a specific exception to Subsection (c)(2) (requiring that certain monies be deposited after the deductions of court costs to a special fund in the municipal treasury if distributed to a municipal law enforcement agency, to be used solely for law enforcement purposes), (3) (requiring that certain monies be deposited after the deductions of court costs to a special fund in the county treasury if distributed to a county law enforcement agency, to be used solely for law enforcement purposes), or (4) (requiring that certain monies be deposited after the deductions of court costs to a special fund in the state law enforcement agency if distributed to a state law enforcement agency, to be used solely for law enforcement purposes), from transferring 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. Requires the law enforcement agency to administer the separate special fund. Requires that the interest received from the investment of money in the fund be credited to the fund. Authorizes the agency to 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. Provides that 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. Defines "institution of higher education" and "private or independent institution of higher education" for purposes of this section.

(s) Requires the attorney general of the State of Texas (attorney general), not later than April 30 of each year, to develop a report based on information submitted by law

enforcement agencies and attorneys representing the state under Subsection (g) (requiring all law enforcement agencies and attorneys representing the state who receive proceeds or property under this chapter to account for the seizure, forfeiture, receipt, and specific expenditure of all the proceeds and property in an audit, which is to be performed annually by the commissioners court or governing body of a municipality, as appropriate) detailing the total amount of funds forfeited, or credited after the sale of forfeited property, in this state in the preceding calendar year. Requires the attorney general to 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. Effective date: September 1, 2015.