

BILL ANALYSIS

H.B. 2116
By: Villalba
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that to prevent the inappropriate use of funds received by law enforcement authorities in connection with civil and criminal asset forfeitures, the definition of expenditures that are appropriately satisfied by the use of asset forfeiture funds should be revised to limit such use strictly to law enforcement activities and educational purposes. These parties further contend that the use of the asset forfeiture funds should be published on a regular basis to provide greater transparency concerning any funds gained from forfeitures. H.B. 2116 seeks to address these concerns.

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. 2116 amends the Code of Criminal Procedure to include public awareness and education programs and services among the expenditures of forfeited proceeds or property that are specifically considered to be an expenditure for a law enforcement purpose or an official purpose of an attorney's office. The bill limits the expenditure of forfeited proceeds or property by a law enforcement agency or attorney representing the state to those purposes, as applicable, or for a donation to an entity that assists in certain criminal proceedings or in providing certain health services. The bill prohibits such property or proceeds from being used for the direct or indirect benefit of any person. The bill requires all law enforcement agencies and attorneys representing the state who receive forfeited property or proceeds to publish a report not later than the 10th day after the last day of each quarter of the fiscal year detailing all expenditures made from the forfeited property or proceeds during the preceding quarter. The bill requires each law enforcement agency and attorney representing the state to make the report available to the public on the agency's or attorney's website, as applicable.

EFFECTIVE DATE

September 1, 2015.