

BILL ANALYSIS

H.B. 3415
By: Canales
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a law enforcement agency can seize contraband property that is used or intended to be used in the commission of an offense. As it stands, property can be seized from a person who has not been convicted of or even charged with a crime. A person can go to court to get the property back, but that process can be difficult. Often, the seized property is not worth the costs of hiring a lawyer, so people will not fight the seizure. Interested parties note that even when a person does fight a seizure and a court rules in the person's favor, law enforcement can charge storage fees on the person's property. H.B. 3415 seeks to address these issues by providing for the award of court costs, storage fees, and attorney's fees in a criminal asset forfeiture proceeding.

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. 3415 amends the Code of Criminal Procedure to require a court, on dismissal of a contraband forfeiture proceeding or on the court's determination that property or an interest in the property is not subject to forfeiture, to enter an order requiring the law enforcement agency responsible for seizing the property to reimburse the applicable owner or interest holder for court costs, storage fees, and reasonable attorney's fees. The bill requires the agency, if possible, to make the payment out of money available in the applicable fund established for the agency into which assets related to forfeited contraband are deposited to be used solely for law enforcement purposes.

EFFECTIVE DATE

September 1, 2015.