

By: Miles

H.B. No. 259

A BILL TO BE ENTITLED

1 AN ACT
2 relating to forfeiture of property used in the commission of
3 certain littering offenses.

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

5 SECTION 1. Article 59.01(2), Code of Criminal Procedure, as
6 amended by Chapters 427 (S.B. 529) and 1357 (S.B. 1451), Acts of the
7 83rd Legislature, Regular Session, 2013, is reenacted and amended
8 to read as follows:

9 (2) "Contraband" means property of any nature,
10 including real, personal, tangible, or intangible, that is:

11 (A) used in the commission of:

12 (i) any first or second degree felony under
13 the Penal Code;

14 (ii) any felony under Section 15.031(b),
15 20.05, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or
16 35, Penal Code;

17 (iii) any felony under The Securities Act
18 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

19 (iv) any offense under Chapter 49, Penal
20 Code, that is punishable as a felony of the third degree or state
21 jail felony, if the defendant has been previously convicted three
22 times of an offense under that chapter;

23 (B) used or intended to be used in the commission
24 of:

- 1 (i) any felony under Chapter 481, Health
2 and Safety Code (Texas Controlled Substances Act);
- 3 (ii) any felony under Chapter 483, Health
4 and Safety Code;
- 5 (iii) a felony under Chapter 151, Finance
6 Code;
- 7 (iv) any felony under Chapter 34, Penal
8 Code;
- 9 (v) an offense [~~a Class A misdemeanor~~]
10 under Subchapter B, Chapter 365, Health and Safety Code, that is:
11 (a) a felony; or
12 (b) a Class A misdemeanor, if the
13 defendant has been previously convicted twice of an offense under
14 that subchapter;
- 15 (vi) any felony under Chapter 32, Human
16 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
17 involves the state Medicaid program;
- 18 (vii) a Class B misdemeanor under Chapter
19 522, Business & Commerce Code;
- 20 (viii) a Class A misdemeanor under Section
21 306.051, Business & Commerce Code;
- 22 (ix) any offense under Section 42.10, Penal
23 Code;
- 24 (x) any offense under Section 46.06(a)(1)
25 or 46.14, Penal Code;
- 26 (xi) any offense under Chapter 71, Penal
27 Code;

1 (xii) any offense under Section 20.05,
2 Penal Code; or

3 (xiii) [~~xiv~~] an offense under Section
4 326.002, Business & Commerce Code;

5 (C) the proceeds gained from the commission of a
6 felony listed in Paragraph (A) or (B) of this subdivision, a
7 misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of
8 this subdivision, or a crime of violence;

9 (D) acquired with proceeds gained from the
10 commission of a felony listed in Paragraph (A) or (B) of this
11 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),
12 or (xi) of this subdivision, or a crime of violence;

13 (E) used to facilitate or intended to be used to
14 facilitate the commission of a felony under Section 15.031 or
15 43.25, Penal Code; or

16 (F) used to facilitate or intended to be used to
17 facilitate the commission of a felony under Section 20A.02 or
18 Chapter 43, Penal Code.

19 SECTION 2. Section 365.012(i), Health and Safety Code, is
20 amended to read as follows:

21 (i) On conviction for any misdemeanor [~~an offense~~] under
22 this section, the court shall provide to the defendant written
23 notice that a subsequent conviction for an offense under this
24 section may result in the forfeiture under Chapter 59, Code of
25 Criminal Procedure, of the vehicle used by the defendant in
26 committing the offense.

27 SECTION 3. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

8 SECTION 4. This Act takes effect September 1, 2015.