

By: Longoria

H.B. No. 713

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the forfeiture of property used to facilitate or
3 intended to be used to facilitate the commission of certain
4 misdemeanor prostitution offenses.

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

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

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

12 (A) used in the commission of:

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

15 (ii) any felony under Section 15.031(b),
16 20.05, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or
17 35, Penal Code;

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

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

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

1 of:

2 (i) any felony under Chapter 481, Health
3 and Safety Code (Texas Controlled Substances Act);

4 (ii) any felony under Chapter 483, Health
5 and Safety Code;

6 (iii) a felony under Chapter 151, Finance
7 Code;

8 (iv) any felony under Chapter 34, Penal
9 Code;

10 (v) a Class A misdemeanor under Subchapter
11 B, Chapter 365, Health and Safety Code, if the defendant has been
12 previously convicted twice of an offense under that subchapter;

13 (vi) any felony under Chapter 32, Human
14 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
15 involves the state Medicaid program;

16 (vii) a Class B misdemeanor under Chapter
17 522, Business & Commerce Code;

18 (viii) a Class A misdemeanor under Section
19 306.051, Business & Commerce Code;

20 (ix) any offense under Section 42.10, Penal
21 Code;

22 (x) any offense under Section 46.06(a)(1)
23 or 46.14, Penal Code;

24 (xi) any offense under Chapter 71, Penal
25 Code;

26 (xii) any offense under Section 20.05,
27 Penal Code; or

1 (xiii) [~~(xiv)~~] an offense under Section
2 326.002, Business & Commerce Code;

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

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

11 (E) used to facilitate or intended to be used to
12 facilitate the commission of:

13 (i) a felony under Section 15.031 or
14 [~~43.25, Penal Code; or~~

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

18 (ii) a misdemeanor under Section 43.02 or
19 43.03, Penal Code.

20 SECTION 2. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 governed by the law in effect on the date the offense was committed,
24 and the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense occurred
27 before that date.

1 SECTION 3. To the extent of any conflict, this Act prevails
2 over another Act of the 84th Legislature, Regular Session, 2015,
3 relating to nonsubstantive additions to and corrections in enacted
4 codes.

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