

By: Villalba

H.B. No. 2116

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the expenditure of proceeds or property received from
3 criminal asset forfeiture.

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

5 SECTION 1. Article 59.06, Code of Criminal Procedure, is
6 amended by amending Subsections (d-3) and (d-4) and adding
7 Subsections (d-5) and (g-1) to read as follows:

8 (d-3) Except as otherwise provided by this article, an
9 expenditure of proceeds or property received under this chapter is
10 considered to be for a law enforcement purpose if the expenditure is
11 made for an activity of a law enforcement agency that relates to the
12 criminal and civil enforcement of the laws of this state, including
13 an expenditure made for:

14 (1) equipment, including vehicles, computers,
15 firearms, protective body armor, furniture, software, uniforms,
16 and maintenance equipment;

17 (2) supplies, including office supplies, mobile phone
18 and data account fees for employees, and Internet services;

19 (3) investigative and training-related travel
20 expenses, including payment for hotel rooms, airfare, meals, rental
21 of and fuel for a motor vehicle, and parking;

22 (4) conferences and training expenses, including fees
23 and materials;

24 (5) investigative costs, including payments to

1 informants and lab expenses;

2 (6) crime prevention and treatment programs;

3 (7) facility costs, including building purchase,
4 lease payments, remodeling and renovating, maintenance, and
5 utilities;

6 (8) witness-related costs, including travel and
7 security; ~~and~~

8 (9) audit costs and fees, including audit preparation
9 and professional fees; and

10 (10) public awareness and education programs and
11 services.

12 (d-4) Except as otherwise provided by this article, an
13 expenditure of proceeds or property received under this chapter is
14 considered to be for an official purpose of an attorney's office if
15 the expenditure is made for an activity of an attorney or office of
16 an attorney representing the state that relates to the
17 preservation, enforcement, or administration of the laws of this
18 state, including an expenditure made for:

19 (1) equipment, including vehicles, computers, visual
20 aid equipment for litigation, firearms, body armor, furniture,
21 software, and uniforms;

22 (2) supplies, including office supplies, legal
23 library supplies and access fees, mobile phone and data account
24 fees for employees, and Internet services;

25 (3) prosecution and training-related travel expenses,
26 including payment for hotel rooms, airfare, meals, rental of and
27 fuel for a motor vehicle, and parking;

- 1 (4) conferences and training expenses, including fees
2 and materials;
- 3 (5) investigative costs, including payments to
4 informants and lab expenses;
- 5 (6) crime prevention and treatment programs;
- 6 (7) facility costs, including building purchase,
7 lease payments, remodeling and renovating, maintenance, and
8 utilities;
- 9 (8) legal fees, including court costs, witness fees,
10 and related costs, including travel and security, audit costs, and
11 professional fees; ~~and~~
- 12 (9) state bar and legal association dues; and
- 13 (10) public awareness and education programs and
14 services.

15 (d-5) A law enforcement agency or attorney representing the
16 state may expend proceeds or property received under this chapter
17 only as described by Subsections (d-2), (d-3), and (d-4). Unless
18 otherwise authorized under this chapter, proceeds or property
19 received under this chapter may not be used for the direct or
20 indirect benefit of any person.

21 (g-1) Not later than the 10th day after the last day of each
22 quarter of the fiscal year, all law enforcement agencies and
23 attorneys representing the state who receive proceeds or property
24 under this chapter shall publish a report detailing all
25 expenditures made during the preceding quarter from the proceeds or
26 property. Each law enforcement agency and attorney representing the
27 state shall make the report available to the public on the agency's

1 or attorney's Internet website, as applicable.

2 SECTION 2. The changes in law made by this Act to Articles
3 59.06(d-3) and (d-4), Code of Criminal Procedure, apply only to the
4 expenditure of proceeds or property by a law enforcement agency or
5 attorney representing the state on or after the effective date of
6 this Act. The expenditure of proceeds or property by a law
7 enforcement agency or attorney representing the state before the
8 effective date of this Act is governed by the law in effect on the
9 date the expenditure was made, and the former law is continued in
10 effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2015.