

By: Zedler

H.B. No. 2623

A BILL TO BE ENTITLED

AN ACT

1
2 relating to forfeiture actions by the federal government and to the
3 transfer of seized property between certain state and federal
4 entities.

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

6 SECTION 1. Chapter 59, Code of Criminal Procedure, is
7 amended by adding Articles 59.15 and 59.16 to read as follows:

8 Art. 59.15. TRANSFER OF FORFEITABLE PROPERTY TO FEDERAL
9 GOVERNMENT. A law enforcement agency or attorney representing the
10 state may not directly or indirectly transfer seized property to
11 any federal law enforcement authority or other federal agency and
12 may not coordinate with the authority or agency regarding seized
13 property unless:

14 (1) the value of the seized property exceeds \$50,000,
15 excluding the value of any controlled substance; and

16 (2) the attorney representing the state determines
17 that:

18 (A) the activity giving rise to the applicable
19 investigation or seizure is interstate in nature and sufficiently
20 complex to justify the transfer; or

21 (B) the seized property may only be forfeited
22 under federal law.

23 Art. 59.16. COOPERATION IN FEDERAL FORFEITURE ACTION. A
24 law enforcement agency or the Texas National Guard, when operating

1 in a nonmilitary role, may not participate, assist, or cooperate in
2 a forfeiture action brought by the federal government unless the
3 value of the seized property subject to forfeiture exceeds \$50,000,
4 excluding the value of any controlled substance.

5 SECTION 2. The changes in law made by this Act apply only to
6 property seized on or after the effective date of this Act.
7 Property seized before the effective date of this Act is governed by
8 the law in effect on the date the property was seized, and the
9 former law is continued in effect for that purpose.

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