

By: Canales

H.B. No. 3415

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the award of court costs, storage fees, and attorney's  
3 fees in a criminal asset forfeiture proceeding.

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

5 SECTION 1. Article 59.05, Code of Criminal Procedure, is  
6 amended by adding Subsection (h) to read as follows:

7 (h) Notwithstanding any other law, on dismissal of a  
8 forfeiture proceeding under this chapter, or on the court's  
9 determination that the property or an interest in the property is  
10 not subject to forfeiture under this chapter, the court shall enter  
11 an order requiring the law enforcement agency responsible for  
12 seizing the property to reimburse the applicable owner or interest  
13 holder for court costs, storage fees, and reasonable attorney's  
14 fees. If possible, notwithstanding the purposes for which the money  
15 must be used under the law, the agency shall make the payment out of  
16 money available in the applicable fund established for the agency  
17 under Article 59.06(c)(2), (3), or (4).

18 SECTION 2. The change in law made by this Act applies only  
19 to property subject to forfeiture on the basis of an offense  
20 committed on or after the effective date of this Act. Property  
21 subject to forfeiture on the basis of an offense committed before  
22 the effective date of this Act is governed by the law in effect on  
23 the date the offense was committed, and the former law is continued  
24 in effect for that purpose. For purposes of this section, an offense

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1 was committed before the effective date of this Act if any element  
2 of the offense occurred before that date.

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