

By: Turner of Harris

H.B. No. 3557

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the reporting of the seizure and forfeiture of
3 contraband.

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

5 SECTION 1. Article 59.06(g), Code of Criminal Procedure, is
6 amended to read as follows:

7 (g)(1) All law enforcement agencies and attorneys
8 representing the state who receive proceeds or property under this
9 chapter shall account for the seizure, forfeiture, receipt, and
10 specific expenditure of all the proceeds and property in an audit,
11 which is to be performed annually by the commissioners court or
12 governing body of a municipality, as appropriate. The annual
13 period of the audit for a law enforcement agency is the fiscal year
14 of the appropriate county or municipality and the annual period for
15 an attorney representing the state is the state fiscal year. The
16 audit must be completed on a form provided by the attorney general
17 and must include:

18 (A) a detailed report that itemizes each seizure
19 of proceeds or property under this chapter, including:

20 (i) the value of the proceeds or property;

21 and

22 (ii) a description of the property; and

23 (B) a detailed report and explanation of all
24 expenditures, including salaries and overtime pay, officer

1 training, investigative equipment and supplies, and other items.

2 (2) Certified copies of the audit shall be delivered
3 by the law enforcement agency or attorney representing the state to
4 the attorney general not later than the 60th day after the date on
5 which the annual period that is the subject of the audit ends.

6 (3) [~~(2)~~] If a copy of the audit is not delivered to
7 the attorney general within the period required by Subdivision (2)
8 [~~(1)~~], within five days after the end of the period the attorney
9 general shall notify the law enforcement agency or the attorney
10 representing the state of that fact. On a showing of good cause,
11 the attorney general may grant an extension permitting the agency
12 or attorney to deliver a copy of the audit after the period required
13 by Subdivision (2) [~~(1)~~] and before the 76th day after the date on
14 which the annual period that is the subject of the audit ends. If
15 the law enforcement agency or the attorney representing the state
16 fails to establish good cause for not delivering the copy of the
17 audit within the period required by Subdivision (2) [~~(1)~~] or fails
18 to deliver a copy of an audit within the extension period, the
19 attorney general shall notify the comptroller of that fact.

20 (4) [~~(3)~~] On notice under Subdivision (3) [~~(2)~~], the
21 comptroller shall perform the audit otherwise required by
22 Subdivision (1). At the conclusion of the audit, the comptroller
23 shall forward a copy of the audit to the attorney general. The law
24 enforcement agency or attorney representing the state is liable to
25 the comptroller for the costs of the comptroller in performing the
26 audit.

27 SECTION 2. The changes in law made by this Act in amending

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1 Article 59.06(g), Code of Criminal Procedure, apply to any audit
2 performed under that subsection on or after the effective date of
3 this Act.

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