

By: Taylor of Collin

S.B. No. 566

A BILL TO BE ENTITLED

AN ACT

relating to the use of proceeds received from criminal asset forfeiture.

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

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

(d) Proceeds awarded under this chapter to a law enforcement agency or to the attorney representing the state may be spent by the agency or the attorney after a budget for the expenditure of the proceeds has been submitted to and approved by the commissioners court or governing body of the municipality. The law enforcement agency or attorney representing the state may spend proceeds awarded under this chapter only as proposed in the approved budget.

The budget must be detailed and clearly list and define the categories of expenditures, but may not list details that would endanger the security of an investigation or prosecution. Expenditures are subject to the audit and enforcement provisions established under this chapter. A commissioners court or governing body of a municipality may not use the existence of an award to offset or decrease total salaries, expenses, and allowances that the agency or the attorney receives from the commissioners court or governing body at or after the time the proceeds are awarded.

SECTION 2. Article 59.06(g), Code of Criminal Procedure, is

1 amended by adding Subdivision (4) to read as follows:

2 (4) The audit prepared under this subsection is
3 subject to disclosure under Chapter 552, Government Code.

4 SECTION 3. The change in law made by this Act to Article
5 59.06(d), Code of Criminal Procedure, applies only to the use of
6 proceeds received by a law enforcement agency or attorney
7 representing the state under Chapter 59, Code of Criminal
8 Procedure, on or after the effective date of this Act. Proceeds
9 received by a law enforcement agency or attorney representing the
10 state under Chapter 59, Code of Criminal Procedure, before the
11 effective date of this Act are governed by the law in effect on the
12 date the proceeds were received, and the former law is continued in
13 effect for that purpose.

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