

By: Burton

S.B. No. 1565

A BILL TO BE ENTITLED

AN ACT

relating to criminal asset forfeiture proceedings.

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

SECTION 1. Article 59.02(b), Code of Criminal Procedure, is amended to read as follows:

(b) Any property that is contraband other than property held as evidence in a criminal investigation or a pending criminal case, money, a negotiable instrument, or a security that is seized under this chapter may be replevied by the owner or interest holder of the property, on execution of a good and valid bond with sufficient surety in a sum equal to the appraised value of the property replevied. The bond may be approved as to form and substance by the court after the court gives notice of the bond to the authority holding the seized property. The bond must be conditioned on the understanding [÷

~~[(1) on return of the property to the custody of the state on the day of hearing of the forfeiture proceedings, and~~

~~[(2)]~~ that the interest holder or owner of the property will abide by the decision that may be made in the cause.

SECTION 2. Article 59.04, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) The attorney representing the state who files a notice of the seizure and intended forfeiture under Subsection (b) shall file notice in the court with jurisdiction over the underlying

1 offense giving rise to the forfeiture.

2       SECTION 3. Article 59.05, Code of Criminal Procedure, is  
3 amended by adding Subsection (a-1) to read as follows:

4       (a-1) On final conviction of the underlying offense giving  
5 rise to the forfeiture, the court may order the forfeiture of the  
6 property. If the court orders forfeiture of the property, the court  
7 shall order the judgment of forfeiture executed on the date the  
8 conviction is final and all appeals are exhausted or the date a  
9 guilty plea is entered, as applicable. The court shall dismiss a  
10 forfeiture proceeding on proof of a dismissal or acquittal of the  
11 underlying offense.

12       SECTION 4. Articles 59.05(a), (b), (d), (e), (f), and (g),  
13 Code of Criminal Procedure, are repealed.

14       SECTION 5. The change in law made by this Act applies only  
15 to a forfeiture proceeding that begins on or after the effective  
16 date of this Act. A forfeiture proceeding that begins before the  
17 effective date of this Act is governed by the law in effect on the  
18 date the proceeding begins, and the former law is continued in  
19 effect for that purpose.

20       SECTION 6. This Act takes effect September 1, 2015.