

SENATE AMENDMENTS

2nd Printing

By: Hernandez

H.B. No. 530

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of proceeds from criminal asset forfeiture to
3 provide college scholarships to children of peace officers killed
4 in the line of duty and to an annual report regarding the total
5 value of forfeited property in this state.

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

7 SECTION 1. Article 59.06, Code of Criminal Procedure, is
8 amended by adding Subsections (r) and (s) to read as follows:

9 (r) As a specific exception to Subsection (c)(2), (3), or
10 (4), a law enforcement agency may transfer not more than 10 percent
11 of the gross amount credited to the agency's fund to a separate
12 special fund established in the treasury of the political
13 subdivision or maintained by the state law enforcement agency, as
14 applicable. The law enforcement agency shall administer the
15 separate special fund. Interest received from the investment of
16 money in the fund shall be credited to the fund. The agency may use
17 money in the fund only to provide scholarships to children of peace
18 officers who were employed by the agency or by another law
19 enforcement agency with which the agency has overlapping geographic
20 jurisdiction and who were killed in the line of duty. Scholarships
21 under this subsection may be used only to pay the costs of
22 attendance at an institution of higher education or private or
23 independent institution of higher education, including tuition and
24 fees and costs for housing, books, supplies, transportation, and

1 other related personal expenses. In this subsection, "institution
2 of higher education" and "private or independent institution of
3 higher education" have the meanings assigned by Section 61.003,
4 Education Code.

5 (s) Not later than February 1 of each year, the attorney
6 general shall develop a report based on information submitted by
7 law enforcement agencies and attorneys representing the state under
8 Subsection (g) detailing the total amount of funds forfeited, or
9 credited after the sale of forfeited property, in this state in the
10 preceding calendar year. The attorney general shall maintain in a
11 prominent location on the attorney general's publicly accessible
12 Internet website a link to the most recent annual report developed
13 under this subsection.

14 SECTION 2. This Act takes effect September 1, 2015.

ADOPTED

MAY 26 2015

Atty. Gen.
Secretary of the Senate

By: Roger W. N.

H.B. No. 530

Substitute the following for H.B. No. 530

By: John Whitmire

C.S.H.B. No. 580

A BILL TO BE ENTITLED

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relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

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

SECTION 1. Article 59.06, Code of Criminal Procedure, is amended by adding Subsections (r) and (s) to read as follows:

(r) As a specific exception to Subsection (c)(2), (3), or (4), a law enforcement agency may transfer not more than 10 percent of the gross amount credited to the agency's fund to a separate special fund established in the treasury of the political subdivision or maintained by the state law enforcement agency, as applicable. The law enforcement agency shall administer the separate special fund. Interest received from the investment of money in the fund shall be credited to the fund. The agency may use money in the fund only to provide scholarships to children of peace officers who were employed by the agency or by another law enforcement agency with which the agency has overlapping geographic jurisdiction and who were killed in the line of duty. Scholarships under this subsection may be used only to pay the costs of attendance at an institution of higher education or private or

independent institution of higher education, including tuition and fees and costs for housing, books, supplies, transportation, and other related personal expenses. In this subsection, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(s) Not later than April 30 of each year, the attorney general shall develop a report based on information submitted by law enforcement agencies and attorneys representing the state under Subsection (g) detailing the total amount of funds forfeited, or credited after the sale of forfeited property, in this state in the preceding calendar year. The attorney general shall maintain in a prominent location on the attorney general's publicly accessible Internet website a link to the most recent annual report developed under this subsection.

SECTION 2. This Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB530 by Hernandez (Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a law enforcement agency to transfer no more than 10 percent of the gross amount credited to the agency's forfeiture fund into a special fund to provide college scholarships to children of peace officers killed in the line of duty. The bill would also require the Attorney General to publish an annual report detailing the total amount of funds forfeited, and credited after the sale of forfeited property, in the preceding calendar year.

It is assumed implementing the provisions of the bill could be absorbed within current resources.

Local Government Impact

There could be some administrative costs associated with establishing a separate special fund, and disbursing funds to eligible recipients; however, the fiscal impact to units of local government is not anticipated to be significant.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: UP, SD, KJo, AI, JAW, TBo, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB530** by Hernandez (Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: UP, KJo, AI, JAW, TBo, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB530 by Hernandez (Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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LBB Staff: UP, KJo, AI, JAW, TBo, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 19, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB530 by Hernandez (Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a law enforcement agency to transfer no more than 10 percent of the gross amount credited to the agency's forfeiture fund into a special fund to provide college scholarships to children of peace officers killed in the line of duty. The bill would also require the Attorney General to publish an annual report detailing the total amount of funds forfeited, and credited after the sale of forfeited property, in the preceding calendar year.

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