

By: Canales

H.B. No. 323

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

SECTION 2. The change in law made by this Act applies only to property subject to forfeiture on the basis of an offense committed on or after the effective date of this Act. Property subject to forfeiture on the basis of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued 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, 2017.