

By: Stephenson

H.B. No. 835

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the reporting and disposition of proceeds and property
3 from criminal asset forfeiture.

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

5 SECTION 1. Articles 59.06(d-3) and (d-4), Code of Criminal
6 Procedure, are amended to read as follows:

7 (d-3) Except as otherwise provided by this article, an
8 expenditure of proceeds or property received under this chapter is
9 considered to be for a law enforcement purpose if the expenditure is
10 made for an activity of a law enforcement agency that relates to the
11 criminal and civil enforcement of the laws of this state, including
12 an expenditure made for:

13 (1) equipment, including vehicles, computers,
14 firearms, protective body armor, furniture, software, uniforms,
15 and maintenance equipment;

16 (2) supplies, including office supplies, mobile phone
17 and data account fees for employees, and Internet services;

18 (3) investigative and training-related travel
19 expenses, including payment for hotel rooms, airfare, meals, rental
20 of and fuel for a motor vehicle, and parking;

21 (4) conferences and training expenses, including fees
22 and materials;

23 (5) investigative costs, including payments to
24 informants and lab expenses;

1 (6) crime prevention and treatment programs;

2 (7) facility costs, including building purchase,
3 lease payments, remodeling and renovating, maintenance, and
4 utilities;

5 (8) witness-related costs, including travel and
6 security; and

7 (9) audit costs and fees, including:

8 (A) audit preparation and professional fees paid
9 to a person or entity under a contract or as otherwise authorized by
10 law; and

11 (B) costs of preparing any reports required to be
12 submitted with the audit form to the attorney general.

13 (d-4) Except as otherwise provided by this article, an
14 expenditure of proceeds or property received under this chapter is
15 considered to be for an official purpose of an attorney's office if
16 the expenditure is made for an activity of an attorney or office of
17 an attorney representing the state that relates to the
18 preservation, enforcement, or administration of the laws of this
19 state, including an expenditure made for:

20 (1) equipment, including vehicles, computers, visual
21 aid equipment for litigation, firearms, body armor, furniture,
22 software, and uniforms;

23 (2) supplies, including office supplies, legal
24 library supplies and access fees, mobile phone and data account
25 fees for employees, and Internet services;

26 (3) prosecution and training-related travel expenses,
27 including payment for hotel rooms, airfare, meals, rental of and

1 fuel for a motor vehicle, and parking;

2 (4) conferences and training expenses, including fees
3 and materials;

4 (5) investigative costs, including payments to
5 informants and lab expenses;

6 (6) crime prevention and treatment programs;

7 (7) facility costs, including building purchase,
8 lease payments, remodeling and renovating, maintenance, and
9 utilities;

10 (8) legal fees, including court costs and~~[7]~~ witness
11 fees~~[7]~~ and other witness-related ~~[related]~~ costs such as~~[7]~~
12 ~~including~~ travel and security~~[7, audit costs, and professional~~
13 ~~fees]~~; ~~[and]~~

14 (9) state bar and legal association dues; and

15 (10) audit costs and fees, including:

16 (A) audit preparation and professional fees paid
17 to a person or entity under a contract or as otherwise authorized by
18 law; and

19 (B) costs of preparing any reports required to be
20 submitted with the audit form to the attorney general.

21 SECTION 2. Article 59.06(g)(1), Code of Criminal Procedure,
22 is amended to read as follows:

23 (1) All law enforcement agencies and attorneys
24 representing the state who receive proceeds or property under this
25 chapter shall account for the seizure, forfeiture, receipt, and
26 specific expenditure of all the proceeds and property in an audit,
27 which is to be performed annually by the commissioners court or

1 governing body of a municipality, as appropriate. The annual
2 period of the audit for a law enforcement agency is the fiscal year
3 of the appropriate county or municipality and the annual period for
4 an attorney representing the state is the state fiscal year. The
5 audit must be completed on a form provided by the attorney general
6 and must include a detailed report and explanation of all
7 expenditures, including salaries and overtime pay, officer
8 training, investigative equipment and supplies, and other items.
9 The audit must also include a detailed report that itemizes all
10 seizures of proceeds or property under this chapter and that
11 indicates the specific criminal offense on which each seizure was
12 based and, if charges were brought in connection with the offense,
13 the disposition of those charges. Certified copies of the audit
14 shall be delivered by the law enforcement agency or attorney
15 representing the state to the attorney general not later than the
16 60th day after the date on which the annual period that is the
17 subject of the audit ends.

18 SECTION 3. Article 59.06(m), Code of Criminal Procedure, is
19 repealed.

20 SECTION 4. The changes in law made by this Act in amending
21 Article 59.06(g)(1), Code of Criminal Procedure, apply to any audit
22 performed under that subsection on or after the effective date of
23 this Act.

24 SECTION 5. This Act takes effect September 1, 2017.