

By: Burton

S.B. No. 481

A BILL TO BE ENTITLED

AN ACT

relating to the reporting and disposition of proceeds and property from asset forfeiture proceedings under the Code of Criminal Procedure.

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

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

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

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

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

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

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

(5) investigative costs, including payments to

informants and lab expenses;

(6) crime prevention and treatment programs;

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

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

(9) audit costs and fees, including:

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

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

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

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

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

(3) prosecution and training-related travel expenses,

1 including payment for hotel rooms, airfare, meals, rental of and  
2 fuel for a motor vehicle, and parking;

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

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

7 (6) crime prevention and treatment programs;

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

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

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

16 (10) audit costs and fees, including:

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

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

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

24 (1) All law enforcement agencies and attorneys  
25 representing the state who receive proceeds or property under this  
26 chapter shall account for the seizure, forfeiture, receipt, and  
27 specific expenditure of all the proceeds and property in an audit,

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

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

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

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