

Amend CSHB 2613 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 59.02, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as otherwise provided by Subsection (a-1), property [Property] that is contraband is subject to seizure and forfeiture under this chapter.

(a-1) Property that is contraband is not subject to seizure and forfeiture under this chapter if:

(1) the property is not otherwise unlawful to possess;
and

(2) the admissibility of the property as evidence would be prohibited under Article 38.23 in the prosecution of the underlying offense.

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

(b-1) In a forfeiture proceeding under this chapter, the attorney representing the state may only present evidence the admissibility of which would not be prohibited under Article 38.23 in the prosecution of the underlying offense giving rise to the forfeiture.