

By: Moody

H.B. No. 1454

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of an item bearing a counterfeit trademark seized in connection with a criminal offense.

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

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.182 to read as follows:

Art. 18.182. DISPOSITION OF ITEM BEARING COUNTERFEIT MARK.

(a) In this article, "counterfeit mark" and "protected mark" have the meanings assigned by Section 32.23, Penal Code.

(b) Following the final conviction or placement on deferred adjudication community supervision of a person for an offense under Section 32.23, Penal Code, the court entering the judgment of conviction or order of deferred adjudication community supervision shall order that any item bearing or identified by a counterfeit mark seized in connection with the offense be:

(1) forfeited to the owner of the protected mark, if prior to an order disposing of property under this article the owner of the protected mark requests the return of the item; or

(2) destroyed.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. 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

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense was  
3 committed before that date.

4 SECTION 3. This Act takes effect September 1, 2019.