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H.B. No. 2613

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of operation of a stash house and to funding
3 certain crime victim services through the use of money derived from
4 a civil asset forfeiture of contraband related to that offense,
5 human smuggling and trafficking offenses, and certain prostitution
6 offenses; creating a criminal offense.

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

8 SECTION 1. Chapter 20, Penal Code, is amended by adding
9 Section 20.07 to read as follows:

10 Sec. 20.07. OPERATION OF STASH HOUSE. (a) A person commits
11 an offense if the person knowingly:

12 (1) uses or permits another to use any real estate,
13 building, room, tent, vehicle, boat, or other property owned by the
14 person or under the person's control to commit an offense or to
15 facilitate the commission of an offense under Section 20.05, 20.06,
16 20A.02, 20A.03, 43.04, or 43.05; or

17 (2) rents or leases any property to another, intending
18 that the property be used as described by Subdivision (1).

19 (b) An offense under this section is a Class A misdemeanor.

20 (c) If conduct that constitutes an offense under this
21 section also constitutes an offense under another law, the actor
22 may be prosecuted under this section, the other law, or both.

23 SECTION 2. Article 59.01(2), Code of Criminal Procedure, is
24 amended to read as follows:

1 (2) "Contraband" means property of any nature,
2 including real, personal, tangible, or intangible, that is:

3 (A) used in the commission of:

4 (i) any first or second degree felony under
5 the Penal Code;

6 (ii) any felony under Section 15.031(b),
7 ~~[20.05, 20.06]~~ 21.11, or 38.04~~[7]~~ or Chapter ~~[43, 20A]~~ 29, 30, 31,
8 32, 33, 33A, or 35, Penal Code;

9 (iii) any felony under Chapter 43, Penal
10 Code, except as provided by Paragraph (B);

11 (iv) ~~[(iii)]~~ any felony under The
12 Securities Act (Article 581-1 et seq., Vernon's Texas Civil
13 Statutes); or

14 (v) ~~[(iv)]~~ any offense under Chapter 49,
15 Penal Code, that is punishable as a felony of the third degree or
16 state jail felony, if the defendant has been previously convicted
17 three times of an offense under that chapter;

18 (B) used or intended to be used in the commission
19 of:

20 (i) any felony under Chapter 481, Health
21 and Safety Code (Texas Controlled Substances Act);

22 (ii) any felony under Chapter 483, Health
23 and Safety Code;

24 (iii) a felony under Chapter 151, Finance
25 Code;

26 (iv) any felony under Chapter 20A or 34,
27 Penal Code;

1 (v) a Class A misdemeanor under Subchapter
2 B, Chapter 365, Health and Safety Code, if the defendant has been
3 previously convicted twice of an offense under that subchapter;

4 (vi) any felony under Chapter 32, Human
5 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
6 involves the state Medicaid program;

7 (vii) a Class B misdemeanor under Chapter
8 522, Business & Commerce Code;

9 (viii) a Class A misdemeanor under Section
10 306.051, Business & Commerce Code;

11 (ix) any offense under Section 42.10, Penal
12 Code;

13 (x) any offense under Section 46.06(a)(1)
14 or 46.14, Penal Code;

15 (xi) any offense under Chapter 71, Penal
16 Code;

17 (xii) any offense under Section 20.05, ~~or~~
18 20.06, 20.07, 43.04, or 43.05, Penal Code; or

19 (xiii) an offense under Section 326.002,
20 Business & Commerce Code;

21 (C) the proceeds gained from the commission of a
22 felony listed in Paragraph (A) or (B) of this subdivision, a
23 misdemeanor listed in Paragraph (B)(vii), (ix), (x), ~~(xi)~~, or
24 (xii) of this subdivision, or a crime of violence;

25 (D) acquired with proceeds gained from the
26 commission of a felony listed in Paragraph (A) or (B) of this
27 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),

1 ~~(x)~~ (xi), or (xii) of this subdivision, or a crime of violence;

2 (E) used to facilitate or intended to be used to
3 facilitate the commission of a felony under Section 15.031 or
4 Chapter 43 ~~[43.25]~~, Penal Code; or

5 (F) used to facilitate or intended to be used to
6 facilitate the commission of an offense ~~[a felony]~~ under Section
7 20.05, 20.06, or 20.07 ~~[20A.02]~~ or Chapter 20A ~~[43]~~, Penal Code.

8 SECTION 3. Article 59.06, Code of Criminal Procedure, is
9 amended by adding Subsection (t) to read as follows:

10 (t)(1) This subsection applies only to contraband for which
11 forfeiture is authorized with respect to an offense under Section
12 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

13 (2) Notwithstanding any other provision of this
14 article, the gross amount credited to the special fund of the office
15 of the attorney representing the state or of a law enforcement
16 agency under Subsection (c) from the forfeiture of contraband
17 described by Subdivision (1) shall be:

18 (A) used to provide direct victim services by the
19 victim services division or other similar division of the office of
20 the attorney representing the state or of a law enforcement agency,
21 as applicable; or

22 (B) used by the office of the attorney
23 representing the state or of the law enforcement agency to cover the
24 costs of a contract with a local nonprofit organization to provide
25 direct services to crime victims.

26 (3) An expenditure of money in the manner required by
27 this subsection is considered to be for an official purpose of the

1 office of the attorney representing the state or for a law
2 enforcement purpose, as applicable.

3 SECTION 4. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 5. This Act takes effect September 1, 2019.