

1-1 By: Rodríguez S.B. No. 1164  
 1-2 (In the Senate - Filed February 26, 2019; March 7, 2019,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 April 23, 2019, reported favorably by the following vote: Yeas 6,  
 1-5 Nays 0; April 23, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the disposition of an item bearing a counterfeit  
 1-18 trademark seized in connection with a criminal offense.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 18, Code of Criminal Procedure, is  
 1-21 amended by adding Article 18.182 to read as follows:

1-22 Art. 18.182. DISPOSITION OF ITEM BEARING COUNTERFEIT MARK.

1-23 (a) In this article, "counterfeit mark" and "protected mark" have  
 1-24 the meanings assigned by Section 32.23, Penal Code.

1-25 (b) Following the final conviction or placement on deferred  
 1-26 adjudication community supervision of a person for an offense under  
 1-27 Section 32.23, Penal Code, the court entering the judgment of  
 1-28 conviction or order of deferred adjudication community supervision  
 1-29 shall order that any item bearing or identified by a counterfeit  
 1-30 mark seized in connection with the offense be:

1-31 (1) forfeited to the owner of the protected mark, if  
 1-32 prior to an order disposing of property under this article the owner  
 1-33 of the protected mark requests the return of the item; or

1-34 (2) destroyed.

1-35 SECTION 2. The change in law made by this Act applies only  
 1-36 to an offense committed on or after the effective date of this Act.  
 1-37 An offense committed before the effective date of this Act is  
 1-38 governed by the law in effect on the date the offense was committed,  
 1-39 and the former law is continued in effect for that purpose. For  
 1-40 purposes of this section, an offense was committed before the  
 1-41 effective date of this Act if any element of the offense was  
 1-42 committed before that date.

1-43 SECTION 3. This Act takes effect September 1, 2019.

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