

BILL ANALYSIS

Senate Research Center
87R2628 AJZ-D

H.B. 402
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is one of many states that authorize courts to seize the assets of those found guilty of human trafficking offenses through criminal asset forfeiture. The original intent of including these offenses in forfeiture provisions was to support programs that provide assistance to victims of human trafficking. However, current state law does not permit the use of funds derived from the forfeiture of those seized assets to provide services to these victims.

H.B. 402 seeks to remedy this situation by providing for the use of certain assets seized by criminal asset forfeiture to cover the costs of a contract with a municipal or county program to provide services to domestic victims of human trafficking.

H.B. 402 amends current law relating to the use of certain funds derived from criminal asset forfeiture to provide services to domestic victims of trafficking.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 59.06, Code of Criminal Procedure, by adding Subsection (u), as follows:

(u) Authorizes the attorney representing the state or the head of a law enforcement agency, as applicable, as a specific exception to Subsection (c) (relating to requiring that all money, securities, negotiable instruments, stocks or bonds, or things of value, or proceeds from the sale of those items be deposited into one or more of certain funds) that the funds described by that subsection be used only for the official purposes of the attorney representing the state or for law enforcement purposes, to cover the costs of a contract with a municipal or county program to provide services to domestic victims of trafficking, to use any portion of the gross amount credited to the attorney's or agency's special fund under Subsection (c) from the forfeiture of contraband that:

(1) is used in the commission of, or used to facilitate or intended to be used to facilitate the commission of, an offense under Chapter 20A (Trafficking of Persons), Penal Code; or

(2) consists of proceeds gained from the commission of, or property acquired with proceeds gained from the commission of, an offense under Chapter 20A, Penal Code.

SECTION 2. Provides that the change in law made by this Act in amending Article 59.06 (Disposition of Forfeited Property), Code of Criminal Procedure, applies to the disposition or use, on or after the effective date of this Act, of proceeds or property received by a law enforcement agency or attorney representing the state under Chapter 59 (Forfeiture of Contraband), Code of Criminal Procedure, regardless of whether the receipt of the proceeds or property occurred before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.