

BILL ANALYSIS

H.B. 402
By: Hernandez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 402 amends the Code of Criminal Procedure to authorize the state's attorney or the head of a law enforcement agency to use any portion of the gross amount credited to the attorney's or agency's special fund derived from the forfeiture of contraband to cover the costs of a contract with a municipal or county program to provide services to domestic victims of trafficking if the contraband:

- is used in the commission of, or used to facilitate or intended to be used to facilitate the commission of, a trafficking of persons offense; or
- consists of proceeds gained from the commission of, or property acquired with proceeds gained from the commission of, a trafficking of persons offense.

EFFECTIVE DATE

September 1, 2021.