

By: Hernandez

H.B. No. 402

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain funds derived from criminal asset forfeiture to provide services to domestic victims of trafficking.

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

SECTION 1. Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (u) to read as follows:

(u) As a specific exception to Subsection (c) 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, the attorney representing the state or the head of a law enforcement agency, as applicable, may 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, 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. The change in law made by this Act in amending Article 59.06, Code of Criminal Procedure, applies to the disposition or use, on or after the effective date of this Act, of

1 proceeds or property received by a law enforcement agency or  
2 attorney representing the state under Chapter 59, Code of Criminal  
3 Procedure, regardless of whether the receipt of the proceeds or  
4 property occurred before, on, or after the effective date of this  
5 Act.

6 SECTION 3. This Act takes effect September 1, 2021.