

By: Turner of Dallas, Rose, Meyer, Minjarez

H.B. No. 2315

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the forfeiture of contraband relating to the criminal
3 offense of racing on a highway.

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

5 SECTION 1. (a) Article 59.01(2), Code of Criminal
6 Procedure, as effective until January 1, 2022, is amended to read as
7 follows:

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

10 (A) used in the commission of:

11 (i) any first or second degree felony under
12 the Penal Code;

13 (ii) any felony under Section 15.031(b),
14 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal
15 Code;

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

18 (iv) any felony under The Securities Act
19 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

20 (v) any offense under Chapter 49, Penal
21 Code, that is punishable as a felony of the third degree or state
22 jail felony, if the defendant has been previously convicted three
23 times of an offense under that chapter;

24 (B) used or intended to be used in the commission

1 of:

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

4 (ii) any felony under Chapter 483, Health
5 and Safety Code;

6 (iii) a felony under Chapter 151, Finance
7 Code;

8 (iv) any felony under Chapter 20A or 34,
9 Penal Code;

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

13 (vi) any felony under Chapter 32, Human
14 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
15 involves a health care program, as defined by Section 35A.01, Penal
16 Code;

17 (vii) a Class B misdemeanor under Chapter
18 522, Business & Commerce Code;

19 (viii) a Class A misdemeanor under Section
20 306.051, Business & Commerce Code;

21 (ix) any offense under Section 42.10, Penal
22 Code;

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

25 (xi) any offense under Chapter 71, Penal
26 Code;

27 (xii) any offense under Section 20.05,

1 20.06, 20.07, 43.04, or 43.05, Penal Code; [~~or~~]

2 (xiii) an offense under Section 326.002,
3 Business & Commerce Code; or

4 (xiv) a Class A misdemeanor or any felony
5 under Section 545.420, Transportation Code, other than a Class A
6 misdemeanor that is classified as a Class A misdemeanor based
7 solely on conduct constituting a violation of Subsection (e)(2)(B)
8 of that section;

9 (C) the proceeds gained from the commission of a
10 felony listed in Paragraph (A) or (B) of this subdivision, a
11 misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii)
12 of this subdivision, or a crime of violence;

13 (D) acquired with proceeds gained from the
14 commission of a felony listed in Paragraph (A) or (B) of this
15 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),
16 (xi), or (xii) of this subdivision, or a crime of violence;

17 (E) used to facilitate or intended to be used to
18 facilitate the commission of a felony under Section 15.031 or
19 Chapter 43, Penal Code; or

20 (F) used to facilitate or intended to be used to
21 facilitate the commission of an offense under Section 20.05, 20.06,
22 or 20.07 or Chapter 20A, Penal Code.

23 (b) Article 59.01(2), Code of Criminal Procedure, as
24 effective on January 1, 2022, is amended to read as follows:

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

27 (A) used in the commission of:

1 (i) any first or second degree felony under
2 the Penal Code;

3 (ii) any felony under Section 15.031(b),
4 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal
5 Code;

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

8 (iv) any felony under The Securities Act
9 (Title 12, Government Code); or

10 (v) any offense under Chapter 49, Penal
11 Code, that is punishable as a felony of the third degree or state
12 jail felony, if the defendant has been previously convicted three
13 times of an offense under that chapter;

14 (B) used or intended to be used in the commission
15 of:

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

18 (ii) any felony under Chapter 483, Health
19 and Safety Code;

20 (iii) a felony under Chapter 151, Finance
21 Code;

22 (iv) any felony under Chapter 20A or 34,
23 Penal Code;

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

27 (vi) any felony under Chapter 32, Human

1 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
2 involves a health care program, as defined by Section 35A.01, Penal
3 Code;

4 (vii) a Class B misdemeanor under Chapter
5 522, Business & Commerce Code;

6 (viii) a Class A misdemeanor under Section
7 306.051, Business & Commerce Code;

8 (ix) any offense under Section 42.10, Penal
9 Code;

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

12 (xi) any offense under Chapter 71, Penal
13 Code;

14 (xii) any offense under Section 20.05,
15 20.06, 20.07, 43.04, or 43.05, Penal Code; ~~or~~

16 (xiii) an offense under Section 326.002,
17 Business & Commerce Code; or

18 (xiv) a Class A misdemeanor or any felony
19 under Section 545.420, Transportation Code, other than a Class A
20 misdemeanor that is classified as a Class A misdemeanor based
21 solely on conduct constituting a violation of Subsection (e)(2)(B)
22 of that section;

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

27 (D) acquired with proceeds gained from the

1 commission of a felony listed in Paragraph (A) or (B) of this
2 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),
3 (xi), or (xii) of this subdivision, or a crime of violence;

4 (E) used to facilitate or intended to be used to
5 facilitate the commission of a felony under Section 15.031 or
6 Chapter 43, Penal Code; or

7 (F) used to facilitate or intended to be used to
8 facilitate the commission of an offense under Section 20.05, 20.06,
9 or 20.07 or Chapter 20A, Penal Code.

10 SECTION 2. The change in law made by this Act applies only
11 to property or proceeds seized on or after the effective date of
12 this Act. Property or proceeds seized before the effective date of
13 this Act are governed by the law in effect on the date the property
14 or proceeds were seized, and the former law is continued in effect
15 for that purpose. For purposes of this section, property or
16 proceeds were seized before the effective date of this Act if any
17 portion of the property or proceeds were seized before that date.

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