

By: Turner of Dallas, Rose, Meyer

H.B. No. 2315

Substitute the following for H.B. No. 2315:

By: Bell of Kaufman

C.S.H.B. No. 2315

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(A) used in the commission of:

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

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

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

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

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

(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;

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

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

14 (E) used to facilitate or intended to be used to
15 facilitate the commission of a felony under Section 15.031 or
16 Chapter 43, Penal Code; or

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

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

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

24 (A) used in the commission of:

25 (i) any first or second degree felony under
26 the Penal Code;

27 (ii) any felony under Section 15.031(b),

1 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal
2 Code;

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

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

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

11 (B) used or intended to be used in the commission
12 of:

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

15 (ii) any felony under Chapter 483, Health
16 and Safety Code;

17 (iii) a felony under Chapter 151, Finance
18 Code;

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

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

24 (vi) any felony under Chapter 32, Human
25 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that
26 involves a health care program, as defined by Section 35A.01, Penal
27 Code;

- 1 (vii) a Class B misdemeanor under Chapter
2 522, Business & Commerce Code;
- 3 (viii) a Class A misdemeanor under Section
4 306.051, Business & Commerce Code;
- 5 (ix) any offense under Section 42.10, Penal
6 Code;
- 7 (x) any offense under Section 46.06(a)(1)
8 or 46.14, Penal Code;
- 9 (xi) any offense under Chapter 71, Penal
10 Code;
- 11 (xii) any offense under Section 20.05,
12 20.06, 20.07, 43.04, or 43.05, Penal Code; ~~[or]~~
- 13 (xiii) an offense under Section 326.002,
14 Business & Commerce Code; or
- 15 (xiv) a Class A misdemeanor or any felony
16 under Section 545.420, Transportation Code;
- 17 (C) the proceeds gained from the commission of a
18 felony listed in Paragraph (A) or (B) of this subdivision, a
19 misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii)
20 of this subdivision, or a crime of violence;
- 21 (D) acquired with proceeds gained from the
22 commission of a felony listed in Paragraph (A) or (B) of this
23 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),
24 (xi), or (xii) of this subdivision, or a crime of violence;
- 25 (E) used to facilitate or intended to be used to
26 facilitate the commission of a felony under Section 15.031 or
27 Chapter 43, Penal Code; or

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

4 SECTION 2. The change in law made by this Act applies only
5 to property or proceeds seized on or after the effective date of
6 this Act. Property or proceeds seized before the effective date of
7 this Act are governed by the law in effect on the date the property
8 or proceeds were seized, and the former law is continued in effect
9 for that purpose. For purposes of this section, property or
10 proceeds were seized before the effective date of this Act if any
11 portion of the property or proceeds were seized before that date.

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