

1-1 By: Turner of Dallas, et al. H.B. No. 2315  
 1-2 (Senate Sponsor - Huffman)  
 1-3 (In the Senate - Received from the House April 28, 2021;  
 1-4 May 10, 2021, read first time and referred to Committee on Criminal  
 1-5 Justice; May 20, 2021, reported favorably by the following vote:  
 1-6 Yeas 7, Nays 0; May 20, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED  
 1-17 AN ACT

1-18 relating to the forfeiture of contraband relating to the criminal  
 1-19 offense of racing on a highway.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. (a) Article 59.01(2), Code of Criminal  
 1-22 Procedure, as effective until January 1, 2022, is amended to read as  
 1-23 follows:

1-24 (2) "Contraband" means property of any nature,  
 1-25 including real, personal, tangible, or intangible, that is:

1-26 (A) used in the commission of:

1-27 (i) any first or second degree felony under  
 1-28 the Penal Code;

1-29 (ii) any felony under Section 15.031(b),  
 1-30 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal  
 1-31 Code;

1-32 (iii) any felony under Chapter 43, Penal  
 1-33 Code, except as provided by Paragraph (B);

1-34 (iv) any felony under The Securities Act  
 1-35 (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

1-36 (v) any offense under Chapter 49, Penal  
 1-37 Code, that is punishable as a felony of the third degree or state  
 1-38 jail felony, if the defendant has been previously convicted three  
 1-39 times of an offense under that chapter;

1-40 (B) used or intended to be used in the commission  
 1-41 of:

1-42 (i) any felony under Chapter 481, Health  
 1-43 and Safety Code (Texas Controlled Substances Act);

1-44 (ii) any felony under Chapter 483, Health  
 1-45 and Safety Code;

1-46 (iii) a felony under Chapter 151, Finance  
 1-47 Code;

1-48 (iv) any felony under Chapter 20A or 34,  
 1-49 Penal Code;

1-50 (v) a Class A misdemeanor under Subchapter  
 1-51 B, Chapter 365, Health and Safety Code, if the defendant has been  
 1-52 previously convicted twice of an offense under that subchapter;

1-53 (vi) any felony under Chapter 32, Human  
 1-54 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that  
 1-55 involves a health care program, as defined by Section 35A.01, Penal  
 1-56 Code;

1-57 (vii) a Class B misdemeanor under Chapter  
 1-58 522, Business & Commerce Code;

1-59 (viii) a Class A misdemeanor under Section  
 1-60 306.051, Business & Commerce Code;

1-61 (ix) any offense under Section 42.10, Penal

2-1 Code;

2-2 (x) any offense under Section 46.06(a)(1)

2-3 or 46.14, Penal Code;

2-4 (xi) any offense under Chapter 71, Penal

2-5 Code;

2-6 (xii) any offense under Section 20.05,

2-7 20.06, 20.07, 43.04, or 43.05, Penal Code; ~~[or]~~

2-8 (xiii) an offense under Section 326.002,

2-9 Business & Commerce Code; or

2-10 (xiv) a Class A misdemeanor or any felony

2-11 under Section 545.420, Transportation Code, other than a Class A

2-12 misdemeanor that is classified as a Class A misdemeanor based

2-13 solely on conduct constituting a violation of Subsection (e)(2)(B)

2-14 of that section;

2-15 (C) the proceeds gained from the commission of a

2-16 felony listed in Paragraph (A) or (B) of this subdivision, a

2-17 misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii)

2-18 of this subdivision, or a crime of violence;

2-19 (D) acquired with proceeds gained from the

2-20 commission of a felony listed in Paragraph (A) or (B) of this

2-21 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),

2-22 (xi), or (xii) of this subdivision, or a crime of violence;

2-23 (E) used to facilitate or intended to be used to

2-24 facilitate the commission of a felony under Section 15.031 or

2-25 Chapter 43, Penal Code; or

2-26 (F) used to facilitate or intended to be used to

2-27 facilitate the commission of an offense under Section 20.05, 20.06,

2-28 or 20.07 or Chapter 20A, Penal Code.

2-29 (b) Article 59.01(2), Code of Criminal Procedure, as

2-30 effective on January 1, 2022, is amended to read as follows:

2-31 (2) "Contraband" means property of any nature,

2-32 including real, personal, tangible, or intangible, that is:

2-33 (A) used in the commission of:

2-34 (i) any first or second degree felony under

2-35 the Penal Code;

2-36 (ii) any felony under Section 15.031(b),

2-37 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal

2-38 Code;

2-39 (iii) any felony under Chapter 43, Penal

2-40 Code, except as provided by Paragraph (B);

2-41 (iv) any felony under The Securities Act

2-42 (Title 12, Government Code); or

2-43 (v) any offense under Chapter 49, Penal

2-44 Code, that is punishable as a felony of the third degree or state

2-45 jail felony, if the defendant has been previously convicted three

2-46 times of an offense under that chapter;

2-47 (B) used or intended to be used in the commission

2-48 of:

2-49 (i) any felony under Chapter 481, Health

2-50 and Safety Code (Texas Controlled Substances Act);

2-51 (ii) any felony under Chapter 483, Health

2-52 and Safety Code;

2-53 (iii) a felony under Chapter 151, Finance

2-54 Code;

2-55 (iv) any felony under Chapter 20A or 34,

2-56 Penal Code;

2-57 (v) a Class A misdemeanor under Subchapter

2-58 B, Chapter 365, Health and Safety Code, if the defendant has been

2-59 previously convicted twice of an offense under that subchapter;

2-60 (vi) any felony under Chapter 32, Human

2-61 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that

2-62 involves a health care program, as defined by Section 35A.01, Penal

2-63 Code;

2-64 (vii) a Class B misdemeanor under Chapter

2-65 522, Business & Commerce Code;

2-66 (viii) a Class A misdemeanor under Section

2-67 306.051, Business & Commerce Code;

2-68 (ix) any offense under Section 42.10, Penal

2-69 Code;

3-1 (x) any offense under Section 46.06(a)(1)  
3-2 or 46.14, Penal Code;  
3-3 (xi) any offense under Chapter 71, Penal  
3-4 Code;  
3-5 (xii) any offense under Section 20.05,  
3-6 20.06, 20.07, 43.04, or 43.05, Penal Code; ~~[or]~~  
3-7 (xiii) an offense under Section 326.002,  
3-8 Business & Commerce Code; or  
3-9 (xiv) a Class A misdemeanor or any felony  
3-10 under Section 545.420, Transportation Code, other than a Class A  
3-11 misdemeanor that is classified as a Class A misdemeanor based  
3-12 solely on conduct constituting a violation of Subsection (e)(2)(B)  
3-13 of that section;  
3-14 (C) the proceeds gained from the commission of a  
3-15 felony listed in Paragraph (A) or (B) of this subdivision, a  
3-16 misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii)  
3-17 of this subdivision, or a crime of violence;  
3-18 (D) acquired with proceeds gained from the  
3-19 commission of a felony listed in Paragraph (A) or (B) of this  
3-20 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),  
3-21 (xi), or (xii) of this subdivision, or a crime of violence;  
3-22 (E) used to facilitate or intended to be used to  
3-23 facilitate the commission of a felony under Section 15.031 or  
3-24 Chapter 43, Penal Code; or  
3-25 (F) used to facilitate or intended to be used to  
3-26 facilitate the commission of an offense under Section 20.05, 20.06,  
3-27 or 20.07 or Chapter 20A, Penal Code.  
3-28 SECTION 2. The change in law made by this Act applies only  
3-29 to property or proceeds seized on or after the effective date of  
3-30 this Act. Property or proceeds seized before the effective date of  
3-31 this Act are governed by the law in effect on the date the property  
3-32 or proceeds were seized, and the former law is continued in effect  
3-33 for that purpose. For purposes of this section, property or  
3-34 proceeds were seized before the effective date of this Act if any  
3-35 portion of the property or proceeds were seized before that date.  
3-36 SECTION 3. This Act takes effect September 1, 2021.

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