

March 13, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB132 by Canales (Relating to criminal asset forfeiture proceedings.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Parks and Wildlife Code to change the burden of proof in asset forfeiture proceedings from a preponderance of the evidence to clear and convincing evidence. The bill would also limit when a law enforcement agency or an attorney representing the state may transfer, or coordinate to transfer, property subject to asset forfeiture to a federal authority or agency.

Based on the analysis of the Office of Court Administration, Texas Military Department, Texas Department of Public Safety, and Texas Parks and Wildlife Department, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing available resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

The City of El Paso anticipates a negative fiscal impact of \$867,000 per fiscal year due to reduced asset forfeiture funds received by the police department.

The City of Abilene anticipates a significant fiscal impact to the police department due to reduced access to asset forfeiture funds.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

Source Agencies: 212 Office of Court Admin, 401 Military Department, 405 Department of Public Safety, 802 Parks and Wildlife Department

LBB Staff: JMc, DKn, MW, BH, AF