

Amend CSSB 1970 (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 59.05, Code of Criminal Procedure, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Subject to Subsection (d-1), a [A] final conviction for an underlying offense is not a requirement for forfeiture under this chapter. An owner or interest holder may present evidence of a dismissal or acquittal of an underlying offense in a forfeiture proceeding, and evidence of an acquittal raises a presumption that the property or interest that is the subject of the hearing is nonforfeitable. This presumption can be rebutted by evidence that the owner or interest holder knew or should have known that the property was contraband.

(d-1) This subsection applies only to the forfeiture of contraband used or intended to be used in the commission of an offense under Section 545.420, Transportation Code, or any offense punishable under Section 42.03(d) or (e), Penal Code, the proceeds gained from the commission of that offense, and any property acquired with those proceeds. Notwithstanding Subsection (d), a final conviction for an underlying offense is required for the forfeiture of contraband to which this subsection applies. The court shall dismiss a forfeiture proceeding to which this subsection applies on proof of a dismissal or acquittal of the underlying offense regardless of whether the applicable owner or interest holder has satisfied any requirements under the Texas Rules of Civil Procedure in the forfeiture proceeding, including answering the state's civil complaint.