

SUBJECT: Law enforcement monthly reporting of seized money

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Place, Talton, Dunnam, Galloway, Hinojosa, Nixon, A. Reyna
1 nay — Keel
1 absent — Farrar

WITNESSES: None

DIGEST: HB 1519 would require sheriffs to provide commissioners courts with reports stating the amount of money seized or confiscated during the preceding month by the sheriff or a peace officer working for the sheriff's department.

Heads of municipal law enforcement agencies would be required to provide the governing body of the city with a report stating the amount of money seized or confiscated during the preceding month by the head of the agency or any peace officer employed by the agency.

The first report would have to be provided by sheriffs and law enforcement agency heads by October 5, 1997.

HB 1519 would take effect September 1, 1997.

SUPPORTERS SAY: HB 1519 would help ensure that money seized and confiscated by law enforcement authorities is properly accounted for. Currently law enforcement agencies must make an annual accounting of seized property and proceeds to the state, but there is no periodic reporting to commissioners courts or city governments. Even these annual audits are not always being performed, and the required expenditure reports must only be submitted when proceeds are expended, not acquired.

Monthly reports would make the annual audits easier to perform, ensure that the process is examined regularly, and increase accountability. Since these proceeds can be used by local law enforcement agencies, they should also be

reported to the governing bodies that oversee these law enforcement agencies. It is especially important that money be properly monitored, and HB 1519 would ensure that law enforcement authorities are accountable for money they seize or confiscate.

HB 1519 would not give commissioner courts or city governments any spending authority over these funds; it would simply require that they be kept informed about their receipt. It would remain illegal for local governments to use the proceeds from forfeited property to offset other funding to law enforcement agencies or prosecutors.

OPPONENTS
SAY:

HB 1519 is unnecessary because there is already adequate accounting of proceeds and property seized by law enforcement agencies. Current law allows the proceeds of seizures by law enforcement agencies to be split by the law enforcement agencies and the local prosecutor. Current law also details how these funds can be spent and allows expenditure of the funds only after the expenditures are reported in a budget given to commissioners courts or city governments. In addition, an annual audit of these funds must be provided to the Governor's Office.

Requiring monthly reports of seized funds could be the first step in local governments trying to gain some control over these funds and possibly considering these funds when developing local budgets even though current law prohibits them from using forfeitures to offset other funding.