

- SUBJECT:** Use of criminal asset forfeiture funds for law enforcement scholarships
- COMMITTEE:** Criminal Jurisprudence — favorable, with amendment
- VOTE:** 6 ayes — Hinojosa, Dunnam, Garcia, Keel, Nixon, Wise
1 nay — Talton
2 absent — Green, Smith
- WITNESSES:** For — L. Olivarez, Texas Sheriff Association
Against — None
- BACKGROUND:** Code of Criminal Procedure, art. 59.06 outlines how criminal asset forfeitures are to be disposed. In general, funds distributed to prosecutors and local law enforcement agencies must be used for official purposes of the prosecutors or law enforcement authorities. However, if an agreement exists between the prosecutor or local law enforcement agency and the governing body of a political subdivision, up to 10 percent of the gross amount can be given to the political subdivision for nonprofit drug-abuse prevention programs, nonprofit chemical-dependency treatment facilities, or nonprofit drug and alcohol rehabilitation or prevention programs.
- DIGEST:** HB 855 would allow criminal asset forfeitures that are transferred to a political subdivision to be used by the subdivision or by a law enforcement agency for financial assistance to persons pursuing an undergraduate degree or certificate program in a field related to law enforcement at an institution of higher education. The political subdivision could impose other reasonable criteria related to the financial assistance.

The bill would take effect September 1, 1999.
- SUPPORTERS SAY:** HB 855 would give law enforcement agencies, cities, and counties another tool to help encourage persons to enter the law enforcement field. Providing scholarships to persons who want to become law enforcement officers should result in trained, motivated persons joining the fight against crime.

Scholarships would help law enforcement agencies recruit personnel, promote higher education, and, by helping educate future law enforcement personnel, improve the quality of life in Texas communities.

Most criminal asset forfeiture comes from drug-case seizures. It would be especially appropriate to use these funds to aid law enforcement, since these cases are such a large part of law enforcement's work load. Nueces County estimates that it would have a goal of giving every high school in the county \$10,000 for the scholarships.

HB 855 would not mandate the use of forfeited funds for scholarships but would allow it if local governments and law enforcement agreed. The bill wisely would allow local officials to decide the details of the scholarships to tailor them to the localities' individual needs. The funds would come from the 10 percent that already can be set aside for special programs, not from funds used by prosecutors or law enforcement authorities. Allowing the monies to be used for scholarships would be in line with the current uses of the funds to combat crime by funding drug and alcohol programs.

**OPPONENTS
SAY:**

Using asset forfeiture funds for scholarships would be too far afield from the current policy of generally using the funds for prosecutors and law enforcement authorities. HB 855 could lead to an ever-increasing number of demands for criminal asset forfeiture funds.

HB 855 is vague about how money would be distributed and to whom. For example, by allowing money to go to anyone pursuing higher education "in a field related to law enforcement," HB 855 would make scholarships available to too wide a range of persons based on only a promise of what they might do. This could include persons planning to be lawyers as well as police officers or sheriffs.

**OTHER
OPPONENTS
SAY:**

HB 855 should limit the scholarships to Texas residents attending Texas schools to help ensure that the scholarships benefit the state.

NOTES:

The committee amendment would allow local law enforcement agencies, not only political subdivisions, to provide the financial assistance.