

BILL ANALYSIS

Senate Research Center

H.B. 2257
By: Luna (Brown)
Criminal Justice
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Engrossed

DIGEST

Currently, all law enforcement entities which receive proceeds under Chapter 59 of the Code of Criminal Procedure are required to submit an accounting of forfeited property to the Governor's Office each year. According to the Texas Commission on Law Enforcement Officer Standards and Education, there are 2,689 law enforcement agencies and attorneys representing the state. In 1993 and 1994, 352 agencies reported a total of \$33.7 million in forfeited assets. The 1995 accounting from the Governor's Office contained reports from 160 of these law enforcement agencies, and reported \$2.6 million in seized assets. This topic was the subject of interim studies during the 73rd and 74th sessions, and criticism included the difficulty in accurately estimating the total value of forfeited property under the present system, the need for a consistent auditing schedule, the absence of penalties for non-compliance, and the need for a report profiling who is reporting and who is not reporting. H.B. 2257 would establish a particular reporting period and due date for an annual audit. Specific provisions would require the annual audit to account for both seizures and forfeitures, as well as the specific expenditures made from the proceeds of seizures and forfeitures. In addition, this bill requires law enforcement agencies and attorneys representing the state to report non-compliance during the annual period, and allows them to use proceeds to contract with and pay an appropriate entity to prepare the annual audit.

PURPOSE

As proposed, H.B. 2257 establishes provisions regarding the audit required for forfeited property and proceeds received by a law enforcement agency or an attorney representing the state.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 59.06, Code of Criminal Procedure, by amending Subsection (g), and adding Subsections (j) and (k), to require all law enforcement agencies and attorneys representing the state who receive proceeds or property to account for the seizure, forfeiture, receipt, and specific expenditure of all such proceeds and property in an audit. Deletes existing text regarding the accounting of disbursement of such proceeds and property. Provides that the annual period of the audit for a law enforcement agency is the fiscal year of the appropriate county or municipality, and the annual period for an attorney representing the state is the state fiscal year. Requires certified copies of the audit to be delivered to the Criminal Justice Division of the Governor's Office (division) not later than the 30th day after the date on which the annual period that is the subject of the audit ends, rather than 30 days after the audit is completed. Sets forth the terms by which a law enforcement agency that, or an attorney representing the state who, does not receive proceeds or property during an annual period, is required to report to the division not later than a certain date. Provides an exception to Subdivisions (1)-(3) of Subsection (c).

SECTION 2. Requires a commissioners court or the governing body of a municipality to perform the first audit not later than a certain date, and requires a law enforcement agency or an attorney representing the state to make the first report not later than a certain date.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.