

BILL ANALYSIS

Senate Research Center

H.B. 855
By: Capelo (Truan)
Criminal Justice
5/11/1999
Engrossed

DIGEST

Currently, if a local agreement exists between an attorney representing the state and certain law enforcement agencies, the attorney may transfer forfeited property and proceeds to law enforcement agencies to maintain, repair, or operate for official purposes; and all money, securities, negotiable instruments, stocks or bonds, things of value, or the proceeds from the sale of these items must be deposited into one or more funds. These funds may be used for a variety of programs as determined by ordinance, order, or resolution. H.B. 855 would regulate the use of proceeds from criminal asset forfeiture to provide financial assistance to a person pursuing certain law enforcement duties.

PURPOSE

As proposed, H.B. 855 regulates the use of proceeds from criminal asset forfeiture to provide financial assistance to a person pursuing certain law enforcement duties.

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, to require all forfeited property, except as provided by Subsection (k), rather than Subsection (i), to be administered by the attorney representing the state. Requires certified copies of the audit to be delivered by the law enforcement agency or attorney representing the state to the comptroller's office and the Criminal Justice Division of the Governor's Office within a certain time period. Requires the governing body of a political subdivision, by ordinance, order, or resolution, to use funds received under this subsection for certain uses, including financial assistance as described by Subsection (o). Prohibits a governing body of a political subdivision from using funds received under this chapter for programs or facilities listed under Subsections (h) (1)-(3), rather than Subdivisions (1)-(3) of this subsection, under certain conditions. Authorizes a local enforcement agency, as a specific exception to Subsection (c) (2) or (3), to transfer not more than a total of 10 percent of the gross amount credited to the agency's fund to a separate special fund in the treasury of the political subdivision. Requires the agency to administer the separate special fund, and expenditures from the fund are at the sole discretion of the agency and may be used only for financial assistance as described by Subsection (o). Authorizes a governing body of a political subdivision or a local law enforcement agency to provide financial assistance under Subsection (h) (4) or (n), only to a person who is a Texas resident, who has certain plans. Requires a governing body of a political subdivision or an agency to impose other reasonable criteria related to the provision of this financial assistance to ensure the promotion of a law enforcement purpose of the political subdivision. Defines "institution of higher education." Makes conforming changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.