

BILL ANALYSIS

Senate Research Center
77R7949 GWK-F

C.S.S.B. 251
By: Harris
Criminal Justice
3/8/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, law enforcement agencies are allowed to spend proceeds from forfeited property on law enforcement purposes only. Law enforcement agencies are required to submit a budget to the court or governing body. Some agencies have made purchases that are not for law enforcement purposes. C.S.S.B. 251 requires the budget to be submitted to the commissioners court or governing body of the municipality, and address the purchase of liability and casualty insurance and the usage of firearms by county law enforcement agencies.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 59.06(d), Code of Criminal Procedure, by authorizing proceeds awarded under this chapter to a law enforcement agency or to the attorney representing the state to be spent after a budget for the expenditure of the proceeds has been submitted to the commissioners court or governing body of the municipality. Requires a county law enforcement agency to which a motor vehicle or real property is forfeited under this chapter or that uses proceeds received under this chapter to purchase a motor vehicle or real property to purchase, with proceeds received under this chapter, certain liability or casualty insurance. Prohibits a county law enforcement agency, to which a firearm or explosive device is forfeited or that uses proceeds received under this chapter to purchase a firearm or explosive device, from using the firearm or explosive device until the agency receives formal approval for the use from the commissioners court.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Deletes “and approved by” which was proposed new language in the As Filed version when referring to the commissioners court or governing body actions regarding the budget for the expenditure of forfeiture proceeds. Restores previously deleted text from the As Filed version regarding the usage of an award. Adds text regarding the purchase of insurance and the usage of firearms.

SECTION 2. Adds the word “property” and replaces the word “distributed” from the As Filed version with “forfeited.”