

By: Leach

H.B. No. 249

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of proceeds and property forfeited under criminal asset forfeiture proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 59.06, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsection (g-1) to read as follows:

(g)(1) All law enforcement agencies and attorneys representing the state who receive proceeds or property under this chapter shall account for the seizure, forfeiture, receipt, and specific expenditure of all the proceeds and property in an audit, which is to be performed annually by the commissioners court or governing body of a municipality, as appropriate. 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. The audit must be completed on a form provided by the attorney general and must include:

(A) a detailed report and explanation of all expenditures, including salaries and overtime pay, officer training, investigative equipment and supplies, and other items; and

(B) for each seizure of proceeds or property under this chapter, an indication of:

1                    (i) the specific criminal offense on which  
2 each seizure was based; and

3                    (ii) if charges were brought in connection  
4 with the offense, the disposition of those charges.

5                    (2) Certified copies of the audit shall be delivered  
6 by the law enforcement agency or attorney representing the state to  
7 the attorney general not later than the 60th day after the date on  
8 which the annual period that is the subject of the audit ends.

9                    (3) [~~(2)~~] If a copy of the audit is not delivered to  
10 the attorney general within the period required by Subdivision (2)  
11 [~~(1)~~], within five days after the end of the period the attorney  
12 general shall notify the law enforcement agency or the attorney  
13 representing the state of that fact. On a showing of good cause,  
14 the attorney general may grant an extension permitting the agency  
15 or attorney to deliver a copy of the audit after the period required  
16 by Subdivision (2) [~~(1)~~] and before the 76th day after the date on  
17 which the annual period that is the subject of the audit ends. If  
18 the law enforcement agency or the attorney representing the state  
19 fails to establish good cause for not delivering the copy of the  
20 audit within the period required by Subdivision (2) [~~(1)~~] or fails  
21 to deliver a copy of an audit within the extension period, the  
22 attorney general shall notify the comptroller of that fact.

23                    (4) [~~(3)~~] On notice under Subdivision (3) [~~(2)~~], the  
24 comptroller shall perform the audit otherwise required by  
25 Subdivision (1). At the conclusion of the audit, the comptroller  
26 shall forward a copy of the audit to the attorney general. The law  
27 enforcement agency or attorney representing the state is liable to

1 the comptroller for the costs of the comptroller in performing the  
2 audit.

3 (g-1) Not later than February 1 of each year, the attorney  
4 general shall publish a report summarizing the results of the  
5 audits received during the preceding calendar year. The attorney  
6 general shall make the report available to the public on its  
7 Internet website.

8 SECTION 2. The changes in law made by this Act in amending  
9 Article 59.06(g), Code of Criminal Procedure, apply to any audit  
10 performed under that subsection on or after the effective date of  
11 this Act.

12 SECTION 3. This Act takes effect September 1, 2015.