

By: Dutton

H.B. No. 1301

A BILL TO BE ENTITLED

AN ACT

relating to asset forfeiture proceedings under the Code of Criminal Procedure.

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

SECTION 1. Article 59.05(d), Code of Criminal Procedure, is amended to read as follows:

(d) A final conviction for an underlying offense is required ~~[not a requirement]~~ for forfeiture under this chapter. The court shall dismiss a forfeiture proceeding on proof ~~[An owner or interest holder may present evidence]~~ of a dismissal or acquittal of the ~~[an]~~ underlying offense ~~[in a forfeiture proceeding, and evidence of an acquittal raises a presumption that the property or interest that is the subject of the hearing is nonforfeitable. This presumption can be rebutted by evidence that the owner or interest holder knew or should have known that the property was contraband]~~.

SECTION 2. The change in law made by this Act applies only to property subject to forfeiture on the basis of an offense committed on or after the effective date of this Act. Property subject to forfeiture on the basis of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

1           SECTION 3.   This Act takes effect September 1, 2017.