

## **BILL ANALYSIS**

H.B. 472  
By: Stephenson  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, all law enforcement agencies and attorneys representing the state who receive certain forfeited proceeds or property are required to account for the seizure, forfeiture, receipt, and specific expenditure of all the proceeds and property in an audit delivered to the attorney general. Interested parties contend that while helpful, this requirement does not lend transparency to the frequency or pervasiveness of civil forfeiture. H.B. 472 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 472 amends the Code of Criminal Procedure to require the annual audit performed by a county commissioners court or governing body of a municipality that accounts for the seizure, forfeiture, receipt, and specific expenditure of all the proceeds and property received by a law enforcement agency or attorney representing the state from criminal asset forfeiture to include a detailed report that itemizes all seizures of proceeds or property and that indicates the specific criminal offense on which each seizure was based and, if charges were brought in connection with the offense, the disposition of those charges. The bill specifies that, for purposes of statutory provisions including expenditures made for audit costs and fees among the expenditures of proceeds or property received from criminal asset forfeiture that are considered to be for a law enforcement purpose or for an official purpose of an attorney's office, as applicable, audit costs and fees include audit preparation and professional fees paid to a person or entity under a contract or as otherwise authorized by law and costs of preparing any reports required to be submitted with the audit form to the attorney general.

H.B. 472 repeals Article 59.06(m), Code of Criminal Procedure.

### **EFFECTIVE DATE**

September 1, 2015.