

- SUBJECT:** Civil consequences of engaging in organized crime
- COMMITTEE:** Criminal Jurisprudence — favorable, with amendment
- VOTE:** 8 ayes — Gallego, Christian, Fletcher, Miklos, Moody, Riddle, Vaught, Vo
0 nays
3 absent — Hodge, Kent, Pierson
- SENATE VOTE:** On final passage, April 23 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** For — (*Registered, but did not testify:* Katrina Daniels, Bexar County District Attorney’s Office; Rebecca Forest, Immigration Reform Coalition of Texas; MerryLynn Gerstenschlager, Texas Eagle Forum; Maria Martinez, Brent Munhofen, Immigration Reform Coalition of Texas)
Against — None
- BACKGROUND:** Code of Criminal Procedure, ch. 59 provides for the forfeiture of:
- property of any nature used or intended to be used during the commission of certain crimes;
 - the proceeds gained from the commission of certain crimes;
 - property acquired with proceeds gained from the commission of certain crimes; or
 - property used to facilitate or intended to be used to facilitate the commission of certain crimes.
- Code of Criminal Procedure, art. 18.18 provides for the forfeiture of items following the final conviction of a person for possession of certain gambling equipment, for an offense involving a criminal instrument, for an offense involving an obscene device or material, for an offense involving child pornography, or for an offense involving a scanning device or re-encoder.

DIGEST: SB 371, as amended, would amend Code of Criminal Procedure, art. 59.01 by including organized crime activities and the offense of unlawful transfer of certain weapons in which the person sold, rented, leased, loaned, or gave a handgun to any person knowing the person to whom it was delivered intended to use it unlawfully or in the commission of an unlawful act as offenses that could result property being considered contraband if the property was used or intended to be used in the commission of either offense, proceeds were gained from the commission of either offense, or property was acquired with the proceeds gained from the commission of either offense.

If such property was subject to forfeiture under ch. 59 and art. 18.18, the state attorney could proceed under either provision.

The bill would apply only to forfeitures of property used in the commission of offenses committed on or after its September 1, 2009, effective date.