

**SUBJECT:** Allowing criminal asset forfeiture funds for services to trafficking victims

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 8 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr

0 nays

1 absent — Vasut

**WITNESSES:** For — Allison Franklin; (*Registered, but did not testify:* Jason Sabo, Children at Risk; M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Frederick Frazier, Dallas Police Association and State FOP; James Parnell, Dallas Police Association; Jessica Anderson, Houston Police Department; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — None

On — Bruce Kellison, University of Texas at Austin

**BACKGROUND:** Code of Criminal Procedure (CCP) art. 59.06(c) governs the use of the proceeds from property that was taken by law enforcement because it was used or intended to be used for certain crimes and then forfeited through the civil courts. Law enforcement agencies and prosecutors may share forfeited property if they have an agreement with each other as outlined by the statute. Current law limits how forfeited property or funds from its sale may be used. In general, law enforcement agencies may use forfeited property only for law enforcement purposes, and prosecutor's offices may use the property only for official purposes of their offices. Other limits and allowances for use of the property include those in CCP art. 59.06 (d-1), (d-3), and (d-4).

**DIGEST:** HB 402 would allow prosecutors and law enforcement agencies to use certain civil asset forfeiture funds to cover the cost of a contract with a

city or county program to provide services to domestic victims of trafficking. The funds would have to be from contraband that was used to commit or facilitate human trafficking offenses or was intended to facilitate such offenses. Proceeds gained from the commission of human trafficking offenses or property acquired with proceeds from committing human trafficking also could be used for the programs.

The bill would take effect September 1, 2021, and would apply to the disposition or use of proceeds or property on or after that date, regardless of whether the proceeds or property were received before, on, or after the date.

**SUPPORTERS  
SAY:**

HB 402 would provide another way to help human trafficking victims by authorizing prosecutors and law enforcement agencies to use proceeds from specific civil asset forfeitures for certain victim programs or services provided under a contract with a city or county.

Survivors of human trafficking have experienced a heinous crime and have long-term needs for services such as therapy, legal aid, and housing. Finances of groups providing these services are strained, but local law enforcement agencies may have money or assets related to these crimes that have been seized and forfeited through the courts. HB 402 would help bridge this gap by allowing proceeds from assets seized from human trafficking crimes to be used by law enforcement agencies and prosecutors to help survivors in their community.

The bill would be in line with other approved uses of forfeiture funds, including a requirement under CCP sec. 59.06(t)(1) that contraband going to prosecutors or law enforcement agencies that was forfeited from certain crimes, including human trafficking, be used for direct victim services or for a contract with a local nonprofit organization to provide direct services to crime victims. HB 402 would extend an option for similar uses to contracts with cities or counties.

The bill would not put demands on entities' forfeiture funds because it is limited and discretionary. It would apply only to funds forfeited from

human trafficking crimes and used for services for domestic victims of trafficking and is permissive so no agency would be required to enter into any contract with a city or county for services. The bill would not change the core uses and restrictions on the use of forfeiture funds, and any further changes would have to be approved by the Legislature.

**CRITICS  
SAY:**

The Legislature should be cautious about expanding the use of civil asset forfeiture funds obtained from certain crimes and directing them to be used for specific uses. This could lead to more forfeiture funds being directed to specific programs rather than having broad parameters on their use and letting individual jurisdictions determine how to spend them.