

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3278
By: Counts (Patterson)
Criminal Justice
5-18-97
Committee Report (Substituted)

DIGEST

From time to time, the Texas National Guard Counterdrug Support Program (guard) is called upon to assist a federal law enforcement agency in enforcing drug laws. In some instances the assistance of the guard may lead to a drug arrest and seizure or forfeiture of property. Under present law, the guard cannot participate in the forfeiture of property because the guard is not considered to be a law enforcement agency. This bill will designate the guard as a law enforcement agency in certain circumstances.

PURPOSE

As proposed, C.S.H.B. 3278 designates the Texas National Guard Counterdrug Support Program as a law enforcement agency in certain circumstances.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 431C, Government Code, by adding Section 431.046, as follows:

Sec. 431.046. PROPERTY FORFEITURE. Provides that, when the Texas National Guard Counterdrug Support Program (guard) assists a federal law enforcement agency in enforcing drug laws, the guard is considered to be a law enforcement agency of the state for purposes of participating in the sharing of property seized or forfeited to the United States under federal law.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 431.046, Government Code, to refer to the Texas National Guard Counterdrug Support Program, rather than the Texas National Guard.