

## **BILL ANALYSIS**

Senate Research Center

S.B. 1486  
By: Armbrister  
Criminal Justice  
4/6/1999  
As Filed

### **DIGEST**

Currently, a county or municipality performs an audit of certain law enforcement agencies and attorneys representing the state that receive seized or forfeited property. The audit report must be forwarded to the Criminal Justice Division of the Governor's Office (division). The law enforcement agency or the attorney must also report to the division that the agency or attorney did not receive proceeds or property under Chapter 59, Code of Criminal Procedure.

Changing the entity responsible for the reports would benefit the division. Since the division retains the reports, numerous open records requests regarding asset forfeiture are submitted. However, many of the reports are never submitted to the division, and the division cannot produce the report. As a result, the division appears to not abide by open records requirements, although it has no authority to compel a submission. Furthermore, the division maintains no official use for the reports, yet they consume staff time and storage space. Therefore, the reports to the division have become unnecessarily onerous. S.B. 1486 makes the attorney general, rather than the division, the depository for the audits.

### **PURPOSE**

As proposed, S.B. 1486 requires the attorney general, rather than the criminal division of the governor's office, to receive certain filed audits of a law enforcement agency and an attorney representing the state.

### **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 Section 59.06(g), Code of Criminal Procedure, to require an audit of certain law enforcement agencies to be performed by the attorney general, rather than the Criminal Justice Division of the Governor's Office (division). Requires certified copies of the audit to be delivered by the enforcement agency or attorney representing the state to the general attorney, rather than delivered to the division.

SECTION 2. Amends Section 59.06(j), Code of Criminal Procedure, to require a law enforcement agency or certain attorneys to report to the attorney general, rather than the division, that the agency or attorneys did not receive certain proceeds or property.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.