

BILL ANALYSIS

Senate Research Center
77R3510 GWK-D

S.B. 795
By: Ellis
Criminal Justice
2/27/2001
As Filed

DIGEST AND PURPOSE

Currently, Texas law provides for the forfeiture of certain proceeds gained from the commission of certain felonies or violent crimes but does not cover memorabilia or profit generated by the notoriety of the crime. As proposed, S.B. 795 redefines “proceeds” in this application to include income from the sale of items that have increased in value due to the notoriety gained by a person being accused or convicted of certain crimes and provides for the forfeiture of such income.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 59.01(7), Code of Criminal Procedure, to redefine “proceeds.”

SECTION 2. Amends Article 59.06(k), Code of Criminal Procedure, to require the attorney for the state to transfer to the attorney general all income from the sale of an item the value of which is increased by the notoriety gained from the conviction of an offense by the person accused or convicted of the crime, minus the deduction authorized by this subdivision. Requires the attorney for the state to determine the fair market value of an item that is substantially similar to the item that was sold but that has not been increased in value by notoriety, and deduct that amount from the proceeds of the sale. Requires the attorney for the state, after transferring income to the attorney general, to transfer the remainder of the proceeds of the sale to the owner of the item. Authorizes the attorney for the state, the attorney general, or a person who may be entitled to claim money from the escrow account described by Subdivision (3) in satisfaction of a claim to at any time bring an action to enjoin the waste of income described by this subdivision.

SECTION 3. Effective date: September 1, 2001.
Makes application of this Act prospective.