

BILL ANALYSIS

Senate Research Center
79R14020 KEL-D

C.S.S.B. 1295
By: Deuell
Criminal Justice
4/23/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, political subdivisions which participate in multijurisdictional drug task forces are burdened with the costs related to confinement and representation of defendants apprehended by task force operations. Therefore, a county participating in such a task force can effectively become a victim of its own success.

C.S.S.B. 1295 seeks to alleviate some of the burden by requiring attorneys representing the state to delay transfer of proceeds from the sale of property forfeited by a defendant until appropriate court costs and costs related to confinement or legal representation are deducted and forwarded to the appropriate political subdivision for deposit in that subdivision's general fund.

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 59.06, Code of Criminal Procedure, by adding Subsection (c-1), to prohibit an attorney representing the state, if a local agreement exists between the attorney representing the state and a multijurisdictional drug task force that is not funded by the governor's criminal justice division, from transferring to the drug task force, as part of the agreement, any proceeds from the sale of forfeited property as described by Subsection (c) until the attorney has deducted appropriate court costs under that subsection and that part of the proceeds necessary to reimburse each participating political subdivision for all reasonable current and projected costs that relate to the confinement or legal representation of the defendant whose property was forfeited. Requires the attorney representing the state to forward proceeds deducted for reimbursement under this subsection to each appropriate political subdivision for deposit in the general fund of the subdivision.

SECTION 2. Effective date: upon passage or September 1, 2005.