

BILL ANALYSIS

S.B. 1164
By: Rodríguez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that state law does not adequately provide for the disposition of certain counterfeit property seized in connection with a criminal case. S.B. 1164 seeks to address this issue by providing for the forfeiture or destruction of an item bearing or identified by a counterfeit mark seized in connection with a criminal offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1164 amends the Code of Criminal Procedure to require a court entering a judgment of conviction or order of deferred adjudication community supervision following the final conviction or placement on deferred adjudication community supervision of a person for the offense of trademark counterfeiting to order that any item bearing or identified by a counterfeit mark seized in connection with the offense be destroyed or, if prior to an order disposing of property the owner of the protected mark requests the return of the item, forfeited to the owner of the mark.

EFFECTIVE DATE

September 1, 2019.