

## **BILL ANALYSIS**

Senate Research Center  
76R1764 KEL-D

S.B. 579  
By: Armbrister  
Criminal Justice  
4/6/1999  
Committee Report (Amended)

### **DIGEST**

Currently, Texas law does not provide the district clerk the authority to require the state or any county to make payments for costs of the court. Many district clerks, through certain cooperation, receive payments for court costs on forfeiture cases through the proceeds of the respondent that are forfeited by the state or county. S.B. 579 would establish procedures for collection of court costs in a forfeiture proceeding.

### **PURPOSE**

As proposed, S.B. 579 establishes procedures for collection of court costs in a forfeiture proceeding.

### **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 Article 59.05, Code of Criminal Procedure, by adding Subsection (f), to provide that the clerk of the court in which the forfeiture proceeding was held, upon forfeiture to the state of an amount greater than \$2,500 is entitled to the court costs in that civil proceeding as in other civil proceedings, unless the forfeiture violates federal requirements for multi-jurisdictional task force cases authorized under Chapter 362, Local Government Code. Provides that the procedure for collecting the court costs is the procedure in Articles 59.06(a) and (c).

SECTION 2. Amends Articles 59.06(a) and (c), Code of Criminal Procedure, to set forth procedures for distribution of the proceeds of the sale of forfeited property with respect to the deduction of court costs to which a district court clerk is entitled. Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Amends Article 59.05, Code of Criminal Procedure, to provide that the clerk of the court in which the forfeiture proceeding was held, upon forfeiture to the state of an amount greater than \$2,500 is entitled to the court costs in that civil proceeding as in other civil proceedings, unless the forfeiture violates federal requirements for multi-jurisdictional task force cases authorized under Chapter 362, Local Government Code.