

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 795
By: Ellis
Criminal Justice
3/8/2001
Committee Report (Substituted)

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. C.S.S.B. 795 redefines “proceeds” in this application to include income from the sale of tangible property that has 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 tangible property 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 property that is substantially similar to the property 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 property. 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.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by amending the definition of “proceeds” to refer to the sale of tangible property, rather than item. Deletes previously proposed Paragraph (B) pertaining to sale income made by certain persons other than the persons accused or convicted of a crime.

SECTION 2. Makes conforming changes.

SECTION 3. Makes conforming changes.