

BILL ANALYSIS

Senate Research Center
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S.B. 1164
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that Texas law does not expressly provide for the disposition of counterfeit property seized in connection with a criminal case. S.B. 1164 would address this gap by providing that an item bearing or identified by a counterfeit mark seized in connection with a criminal offense, upon the entry of a conviction or deferred adjudication in the related offense, be returned to the owner of the mark at the owner's request or destroyed.

As proposed, S.B. 1164 amends current law relating to the disposition of an item bearing a counterfeit trademark seized in connection with a criminal offense.

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 Chapter 18, Code of Criminal Procedure, by adding Article 18.182, as follows:

Art. 18.182. DISPOSITION OF ITEM BEARING COUNTERFEIT MARK. (a) Defines "counterfeit mark" and "protected mark" for purposes of this article.

(b) Requires the court entering the 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 an offense under Section 32.23 (Trademark Counterfeiting), Penal Code, to order that any item bearing or identified by a counterfeit mark seized in connection with the offense be:

(1) forfeited to the owner of the protected mark, if prior to an order disposing of property under this article the owner of the protected mark requests the return of the item; or

(2) destroyed.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. Effective date: September 1, 2019.