

MEMORANDUM:

CHANGE TO CHAPTER 59 ASSET FORFEITURE

During the last Legislative Session, a bill was passed which has affected the expenditure of asset forfeiture funds arising from property forfeited from certain criminal offenses. This applies to both the seizing law enforcement agency and the District Attorney's Office. This change became effective September 1, 2019. In these particular cases, asset forfeiture funds are **REQUIRED** to be expended on victim services or donated to specific crime victims programs.

In 2019 the Texas Legislature added section "t" to Art. 59.06 CCP, Disposition of Forfeited Property. Art. 59.06(t) provides that the gross amount forfeited under sections 20.05 (Smuggling of Persons), 20.06 (Continuous Smuggling of Persons), 20.07 (Operation of Stash House)(NEW OFFENSE), 43.04 (Aggravated Promotion of Prostitution), 43.05 (Compelling Prostitution), or Chapter 20A (Trafficking of Persons), shall be (A) used to provided direct victim services by the victim service division or other similar division of the office of the attorney representing the State or a law enforcement agency; or (B) used by the office of the attorney representing the State or of a law enforcement agency to cover the costs of a contract with a local nonprofit organization to provide direct services to crime victims.

Therefore, money generated from asset forfeitures as the result of the above referenced criminal offenses may **NOT** be placed in your general asset forfeiture account. These funds may **ONLY** be placed into an account for victim services either at the local level or State level. As such, the District Attorney's Office is creating a different fund account and specific line item for the funds awarded to the District Attorney's Office.

If you have any questions please feel free to contact this office.