

1-1 By: Frullo, Raymond, Muñoz, Jr. H.B. No. 2613  
 1-2 (Senate Sponsor - Huffman)  
 1-3 (In the Senate - Received from the House May 9, 2019;  
 1-4 May 13, 2019, read first time and referred to Committee on State  
 1-5 Affairs; May 19, 2019, reported favorably by the following vote:  
 1-6 Yeas 8, Nays 0; May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the offense of operation of a stash house and to funding  
 1-21 certain crime victim services through the use of money derived from  
 1-22 a civil asset forfeiture of contraband related to that offense,  
 1-23 human smuggling and trafficking offenses, and certain prostitution  
 1-24 offenses; creating a criminal offense.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 20, Penal Code, is amended by adding  
 1-27 Section 20.07 to read as follows:

1-28 Sec. 20.07. OPERATION OF STASH HOUSE. (a) A person commits  
 1-29 an offense if the person knowingly:

1-30 (1) uses or permits another to use any real estate,  
 1-31 building, room, tent, vehicle, boat, or other property owned by the  
 1-32 person or under the person's control to commit an offense or to  
 1-33 facilitate the commission of an offense under Section 20.05, 20.06,  
 1-34 20A.02, 20A.03, 43.04, or 43.05; or

1-35 (2) rents or leases any property to another, intending  
 1-36 that the property be used as described by Subdivision (1).

1-37 (b) An offense under this section is a Class A misdemeanor.

1-38 (c) If conduct that constitutes an offense under this  
 1-39 section also constitutes an offense under another law, the actor  
 1-40 may be prosecuted under this section, the other law, or both.

1-41 SECTION 2. Article 59.01(2), Code of Criminal Procedure, is  
 1-42 amended to read as follows:

1-43 (2) "Contraband" means property of any nature,  
 1-44 including real, personal, tangible, or intangible, that is:

1-45 (A) used in the commission of:

1-46 (i) any first or second degree felony under  
 1-47 the Penal Code;

1-48 (ii) any felony under Section 15.031(b),  
 1-49 ~~[20.05, 20.06,]~~ 21.11, or 38.04~~[7]~~ or Chapter ~~[43, 20A,]~~ 29, 30, 31,  
 1-50 32, 33, 33A, or 35, Penal Code;

1-51 (iii) any felony under Chapter 43, Penal  
 1-52 Code, except as provided by Paragraph (B);

1-53 (iv) ~~[(iii)]~~ any felony under The  
 1-54 Securities Act (Article 581-1 et seq., Vernon's Texas Civil  
 1-55 Statutes); or

1-56 (v) ~~[(iv)]~~ any offense under Chapter 49,  
 1-57 Penal Code, that is punishable as a felony of the third degree or  
 1-58 state jail felony, if the defendant has been previously convicted  
 1-59 three times of an offense under that chapter;

1-60 (B) used or intended to be used in the commission  
 1-61 of:

2-1 (i) any felony under Chapter 481, Health  
 2-2 and Safety Code (Texas Controlled Substances Act);  
 2-3 (ii) any felony under Chapter 483, Health  
 2-4 and Safety Code;  
 2-5 (iii) a felony under Chapter 151, Finance  
 2-6 Code;  
 2-7 (iv) any felony under Chapter 20A or 34,  
 2-8 Penal Code;  
 2-9 (v) a Class A misdemeanor under Subchapter  
 2-10 B, Chapter 365, Health and Safety Code, if the defendant has been  
 2-11 previously convicted twice of an offense under that subchapter;  
 2-12 (vi) any felony under Chapter 32, Human  
 2-13 Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that  
 2-14 involves the state Medicaid program;  
 2-15 (vii) a Class B misdemeanor under Chapter  
 2-16 522, Business & Commerce Code;  
 2-17 (viii) a Class A misdemeanor under Section  
 2-18 306.051, Business & Commerce Code;  
 2-19 (ix) any offense under Section 42.10, Penal  
 2-20 Code;  
 2-21 (x) any offense under Section 46.06(a)(1)  
 2-22 or 46.14, Penal Code;  
 2-23 (xi) any offense under Chapter 71, Penal  
 2-24 Code;  
 2-25 (xii) any offense under Section 20.05, [~~or~~  
 2-26 20.06, 20.07, 43.04, or 43.05, Penal Code; or  
 2-27 (xiii) an offense under Section 326.002,  
 2-28 Business & Commerce Code;  
 2-29 (C) the proceeds gained from the commission of a  
 2-30 felony listed in Paragraph (A) or (B) of this subdivision, a  
 2-31 misdemeanor listed in Paragraph (B)(vii), (ix), (x), [~~or~~] (xi), or  
 2-32 (xii) of this subdivision, or a crime of violence;  
 2-33 (D) acquired with proceeds gained from the  
 2-34 commission of a felony listed in Paragraph (A) or (B) of this  
 2-35 subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x),  
 2-36 [~~or~~] (xi), or (xii) of this subdivision, or a crime of violence;  
 2-37 (E) used to facilitate or intended to be used to  
 2-38 facilitate the commission of a felony under Section 15.031 or  
 2-39 Chapter 43 [43.25], Penal Code; or  
 2-40 (F) used to facilitate or intended to be used to  
 2-41 facilitate the commission of an offense [~~a felony~~] under Section  
 2-42 20.05, 20.06, or 20.07 [20A.02] or Chapter 20A [43], Penal Code.  
 2-43 SECTION 3. Article 59.06, Code of Criminal Procedure, is  
 2-44 amended by adding Subsection (t) to read as follows:  
 2-45 (t)(1) This subsection applies only to contraband for which  
 2-46 forfeiture is authorized with respect to an offense under Section  
 2-47 20.05, 20.06, 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.  
 2-48 (2) Notwithstanding any other provision of this  
 2-49 article, the gross amount credited to the special fund of the office  
 2-50 of the attorney representing the state or of a law enforcement  
 2-51 agency under Subsection (c) from the forfeiture of contraband  
 2-52 described by Subdivision (1) shall be:  
 2-53 (A) used to provide direct victim services by the  
 2-54 victim services division or other similar division of the office of  
 2-55 the attorney representing the state or of a law enforcement agency,  
 2-56 as applicable; or  
 2-57 (B) used by the office of the attorney  
 2-58 representing the state or of the law enforcement agency to cover the  
 2-59 costs of a contract with a local nonprofit organization to provide  
 2-60 direct services to crime victims.  
 2-61 (3) An expenditure of money in the manner required by  
 2-62 this subsection is considered to be for an official purpose of the  
 2-63 office of the attorney representing the state or for a law  
 2-64 enforcement purpose, as applicable.  
 2-65 SECTION 4. The change in law made by this Act applies only  
 2-66 to an offense committed on or after the effective date of this Act.  
 2-67 An offense committed before the effective date of this Act is  
 2-68 governed by the law in effect on the date the offense was committed,  
 2-69 and the former law is continued in effect for that purpose. For

3-1 purposes of this section, an offense was committed before the  
3-2 effective date of this Act if any element of the offense occurred  
3-3 before that date.

3-4 SECTION 5. This Act takes effect September 1, 2019.

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