

1 AN ACT
2 relating to the disposition of certain contraband.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Articles 18.18(f) and (g), Code of Criminal
5 Procedure, are amended to read as follows:

6 (f) If a person timely appears to show cause why the
7 property or proceeds should not be destroyed or forfeited, the
8 magistrate shall conduct a hearing on the issue and determine the
9 nature of property or proceeds and the person's interest therein.
10 Unless the person proves by a preponderance of the evidence that the
11 property or proceeds is not gambling equipment, altered gambling
12 equipment, gambling paraphernalia, gambling device, gambling
13 proceeds, prohibited weapon, obscene device or material, criminal
14 instrument, or dog-fighting equipment and that he is entitled to
15 possession, the magistrate shall dispose of the property or
16 proceeds in accordance with Paragraph (a) of this article.

17 (g) For purposes of this article:

18 (1) "criminal instrument" has the meaning defined in
19 the Penal Code;

20 (2) "gambling device or equipment, altered gambling
21 equipment or gambling paraphernalia" has the meaning defined in the
22 Penal Code;

23 (3) "prohibited weapon" has the meaning defined in the
24 Penal Code; [~~and~~]

1 (4) "dog-fighting equipment" means:

2 (A) equipment used for training or handling a
3 fighting dog, including a harness, treadmill, cage, decoy, pen,
4 house for keeping a fighting dog, feeding apparatus, or training
5 pen;

6 (B) equipment used for transporting a fighting
7 dog; including any automobile, or other vehicle, and its
8 appurtenances which are intended to be used as a vehicle for
9 transporting a fighting dog;

10 (C) equipment used to promote or advertise an
11 exhibition of dog fighting, including a printing press or similar
12 equipment, paper, ink, or photography equipment; or

13 (D) a dog trained, being trained, or intended to
14 be used to fight with another dog; and

15 (5) [-(6)] "obscene device [or material]" and
16 "obscene" have the meanings assigned by Section 43.21, Penal Code
17 [means a device or material introduced into evidence and thereafter
18 found obscene by virtue of a final judgment after all appellate
19 remedies have been exhausted].

20 SECTION 2. This Act takes effect September 1, 2003. The
21 change in law made by this Act applies only to the disposition of an
22 obscene device or material seized on or after September 1, 2003.
23 The disposition of an obscene device or material seized before
24 September 1, 2003, is covered by the law in effect when the device
25 or material was seized, and the former law is preserved for that
26 purpose.

David Newburn

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 559 was passed by the House on May 8, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 559 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30pm O'CLOCK

Ann Shea
Secretary of State