

# VERNON'S ANN. TEXAS C.C.P. ART. 59.01

*Contraband Defined.*

*Effective on or after January 1, 2022*

UPDATED: 01 SEPTEMBER 2021

(2) “**Contraband**” means property of any nature, including real, personal, tangible, or intangible, that is:

**(A) used in the commission of:**

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Section 15.031(b) ([Criminal Solicitation of a Minor](#)), 21.11 ([Indecency with a Child](#)), or 38.04 ([Evading Arrest or Detention](#)), or Chapter 29 ([Robbery](#)), 30 ([Burglary and Criminal Trespass](#)), 31 ([Theft](#)), 32 ([Fraud](#)), 33 ([Computer Crimes](#)), 33A ([Telecommunications Crimes](#)), or 35 ([Insurance Fraud](#)), Penal Code;
- (iii) any felony under Chapter 43 ([Public Indecency](#)), Penal Code, except as provided by Paragraph (B);
- (iv) any felony under The Securities Act (Title 12, Government Code); or
- (v) any offense under Chapter 49 ([Intoxication and Alcoholic Beverage Offenses](#)), Penal Code, that is punishable as a felony of the third degree or state jail felony, *if the defendant has been previously convicted three times of an offense under that chapter*;

**(B) used or intended to be used in the commission of:**

- (i) any felony under Chapter 481, Health and Safety Code ([Texas Controlled Substances Act](#));
- (ii) any felony under Chapter 483, Health and Safety Code ([Dangerous Drugs](#));
- (iii) a felony under Chapter 151, Finance Code ([Regulation of Money Services Businesses](#));
- (iv) any felony under Chapter 20A ([Trafficking of Persons](#)) or 34 ([Money Laundering](#)), Penal Code;
- (v) a *Class A misdemeanor* under Subchapter B, Chapter 365, Health and Safety Code ([Texas Litter Abatement Act](#)),<sup>1</sup> if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 32, ([Medical Assistance Program](#)) Human Resources Code, or Chapter 31 ([Theft](#)), 32 ([Fraud](#)), 35A ([Medicaid Fraud](#)), or 37 ([Perjury and Other Falsification](#)), Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;
- (vii) a *Class B misdemeanor* under Chapter 522, Business & Commerce Code ([Identity Theft by Electronic Device](#));
- (viii) a *Class A misdemeanor* under Section 306.051, Business & Commerce Code ([Unauthorized or Fraudulent Procurement, Sale, or Receipt of Telephone Records](#));

- (ix) any offense under Section 42.10 ([Dog Fighting](#)), Penal Code;
- (x) any offense under Section 46.06(a)(1) ([Unlawful Transfer of Certain Weapons](#)) or 46.14 ([Firearm Smuggling](#)), Penal Code;
- (xi) any offense under Chapter 71 ([Organized Crime](#)), Penal Code;
- (xii) any offense under Section 20.05 ([Smuggling of Persons](#)), 20.06 ([Continuous Smuggling of Persons](#)), 20.07 ([Operation of Stash House](#)), 43.04 ([Aggravated Promotion of Prostitution](#)), or 43.05 ([Compelling Prostitution](#)), Penal Code;
- (xiii) an offense under Section 326.002, ([Automated Sales Suppression Devices and Phantom-Ware Prohibited](#)) Business & Commerce Code; or
- (xiv) a Class A misdemeanor or any felony under Section 545.420, ([Racing on Highway](#)) Transportation Code, other than a Class A misdemeanor that is classified as a Class A misdemeanor based solely on conduct constituting a violation of Subsection (e)(2)(B) of that section;

- (C) **the proceeds gained from the commission of a felony** listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;
- (D) **acquired with proceeds gained from the commission of a felony** listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;
- (E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 ([Criminal Solicitation of a Minor](#)) or Chapter 43 ([Public Indecency](#)), Penal Code; or
- (F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05 ([Smuggling of Persons](#)), 20.06 ([Continuous Smuggling of Persons](#)), or 20.07 ([Operation of Stash House](#)) or Chapter 20A ([Trafficking of Persons](#)), Penal Code.

(3) **“Crime of violence”** means:

- (A) any criminal offense defined in the Penal Code or in a federal criminal law that results in a personal injury to a victim; or
- (B) an act that is not an offense under the Penal Code involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death sustained in an accident caused by a driver in violation of [Section 550.021, Transportation Code](#).