

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

Contraband Defined.

UPDATED: 12 SEPTEMBER 2013

(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](#)), 20.05 ([Smuggling of Persons](#)), 21.11 ([Indecency with a Child](#)), 38.04 ([Evading Arrest or Detention](#)), or Chapter 43 ([Public Indecency](#)), 20A ([Trafficking of Persons](#)), 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 The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes);
or
- (iv) 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 34, Penal Code ([Money Laundering](#));
- (v) a *Class A misdemeanor* under Subchapter B, Chapter 365, Health and Safety Code ([Texas Litter Abatement Act](#)),¹ if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31 ([Theft](#)), 32 ([Fraud](#)), 35A ([Medicaid Fraud](#)), or 37 ([Perjury and Other Falsification](#)), Penal Code, that involves the state Medicaid program;
- (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; or

(xii) any offense under Section 20.05 (Smuggling of Persons), Penal Code;

(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)(viii), (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)(viii), (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 43.25 (Sexual Performance by a Child), Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 (Trafficking of Persons) or Chapter 43 (Public Indecency), 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](#).