



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 28, 2010

Constable Daniel Marichalar  
Hidalgo County Constable Precinct 5  
P.O. Box 324  
Elsa, TX 78543

RE: FY 2010 Chapter 59 Asset Forfeiture Audit Reporting Form

Dear Constable Marichalar:

Enclosed is an asset forfeiture reporting form that must be filed with the Office of the Attorney General by any law enforcement agency that has the authority to receive property forfeited under Chapter 59 of the Code of Criminal Procedure. The statutory definition of law enforcement agency includes any agency that has the authority to hire peace officers or receive property. This report must be filed no later than the 60<sup>th</sup> day after the end of your local fiscal year. The law setting out these requirements may be found in Article 59.06(g) of the code. Please be aware that failure to file the required report in a timely manner may result in an audit by the state comptroller and that the costs of such an audit may be assessed against the agency failing to report.

If you should have any questions, please feel free to contact me or a member of my staff at the phone number or e-mail address found on the last page of the reporting form. Thank you for your cooperation.

Sincerely,

Kent Richardson  
Assistant Attorney General  
Criminal Prosecutions Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, TX 78711-2548  
(512)936-1348  
[kent.richardson@oag.state.tx.us](mailto:kent.richardson@oag.state.tx.us)

Renee Gray (512)305-8882  
[renee.gray@oag.state.tx.us](mailto:renee.gray@oag.state.tx.us)

**FY 2010  
CHAPTER 59 ASSET FORFEITURE REPORT  
BY LAW ENFORCEMENT AGENCY**

Agency Name: Hidalgo County Constable Reporting Period: 01/01/10 - 12/31/10  
 Agency Mailing Address: P.O. Box 324 Pct. 5 example: 01/01/10 to 12/31/10,  
Elsa, TX 76543 09/01/09 to 08/31/10 etc.  
 Phone Number: (956) 262-4200  
 County: Hidalgo  
 Email Address: \_\_\_\_\_ This should be a permanent agency email address

**NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.**

**I. SEIZED FUNDS**

A) Beginning Balance.....  
**Instructions:** Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. Do not include funds that are in an account held by another agency, e.g., the District Attorney's account. \$ 0

B) Seizures During Reporting Period:  
**Instructions:** Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency.

1) Amount seized and retained in your agency's custody..... \$ 0

2) Amount seized and transferred to the District Attorney pending forfeiture..... \$ 0

C) Amount Returned to Defendants/Respondents..... \$ 0

D) Ending Balance ..... \$ 0  
**Instructions:** Add lines A, and B(1), subtract line C, put total in line D.

**II. FORFEITED FUNDS**

A) Beginning Balance.....  
**Instructions:** Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency. \$ 0

B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period ..... \$ 0  
**Instructions:** Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.

- B) Real Property (the number of separate parcels of property, not a currency amount).....
- C) Computers (the number of computers, not a currency amount).....
- D) Firearms (the number of firearms, not a currency amount) .....
- E) Other (the number of items, not a currency amount) .....

0  
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**V. FORFEITED PROPERTY TRANSFERRED TO ANOTHER AGENCY**

**Instructions:** Enter the total number of items transferred from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

- A) Motor Vehicles (the number of vehicles, not a currency amount).....
- B) Real Property (the number of separate parcels of property, not a currency amount).....
- C) Computers (the number of computers, not a currency amount).....
- D) Firearms ( the number of firearms, not a currency amount) .....
- E) Other (the number of items, not a currency amount) .....

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**VI. EXPENDITURES**

**Instructions:** This category is for Chapter 59 expenditures SOLELY for law enforcement purposes - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other category.

- A) Total Salaries Paid out of Chapter 59 Funds..... \$
- 1. Increase of Salary, Expense, or Allowance for Employees (Salary Supplements)..... \$
- 2. Salary Budgeted Solely From Forfeited Funds..... \$
- 3. Number of Employees Paid Using Forfeiture Funds .....
- B) Total Overtime Paid out of Chapter 59 Funds .....
- 1. For Employees Budgeted by Governing Body..... \$
- 2. For Employees Budgeted Solely out of Forfeiture Funds..... \$
- 3. Number of Employees Paid Using Forfeiture Funds.....
- C) Total Equipment Paid for with Chapter 59 Funds..... \$
- 1. Vehicles..... \$
- 2. Computers..... \$
- 3. Firearms, Vests, Personal Equipment .....
- 4. Furniture..... \$
- 5. Software..... \$
- 6. Maintenance Costs..... \$
- 7. Uniforms..... \$

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1.	Building Purchase .....	\$	0
2.	Lease Payments .....	\$	0
3.	Remodeling .....	\$	0
4.	Maintenance Costs .....	\$	0
5.	Utilities .....	\$	0
6.	Other (Provide Detail on Additional Sheet) .....	\$	0
J)	Total Miscellaneous Fees Paid Out of Chapter 59 Funds .....	\$	0
1.	Court Costs .....	\$	0
2.	Filing Fees .....	\$	0
3.	Insurance .....	\$	0
4.	Witness Fees .....	\$	0
5.	Audit Costs and Fees .....	\$	0
6.	Other (Provide Detail on Additional Sheet) .....	\$	0
K)	Total Other Paid Out of Chapter 59 Funds (provide detailed descriptions on additional sheet(s) and attach to this report) .....	\$	0
L)	TOTAL EXPENDITURES .....	\$	0

**NOTE: If your Agency is governed by a Commissioner's Court or City Council BOTH CERTIFICATIONS NEED TO BE COMPLETED.**

**CERTIFICATION**

COUNTY JUDGE, MAYOR or CITY  
MANAGER  
(Printed Name):

SIGNATURE:

DATE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 of the Code of Criminal Procedure, unless after due inquiry, it has been determined that no accounts, funds or other property pursuant to Chapter 59 of the Code of Criminal Procedure are being held or have been transacted in the relevant fiscal year by the agency for which this report is being completed, and that upon diligent inspection of all relevant documents and supporting materials, I believe that this asset forfeiture report is true and correct and contains all of the required information.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas