

By: Jones of Harris

H.B. No. 3354

A BILL TO BE ENTITLED

AN ACT

relating to the timely testing of evidence for controlled substances and dangerous drugs and the dismissal of certain criminal charges.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.51 to read as follows:

Art. 38.51. EVIDENCE TESTING FOR CONTROLLED SUBSTANCES OR DANGEROUS DRUGS. (a) In this article:

(1) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(2) "Dangerous drug" has the meaning assigned by Section 483.001, Health and Safety Code.

(b) Evidence that may contain a controlled substance or dangerous drug that is seized by a law enforcement agency in connection with a criminal action must be submitted to a laboratory to be tested using validated laboratory procedures and sampling protocols to determine whether the substance is a controlled substance or dangerous drug.

(c) The court shall dismiss a charge for an offense under Subchapter D, Chapter 481, Health and Safety Code, or Subchapter C, Chapter 483, Health and Safety Code, involving the manufacture, delivery, or possession of a controlled substance or dangerous drug if the testing required under this article is not completed before

1 the 30th day after the date the seizure occurred.

2 SECTION 2. The change in law made by this Act applies only  
3 to evidence seized on or after the effective date of this Act.

4 SECTION 3. This Act takes effect September 1, 2023.