

## **BILL ANALYSIS**

H.B. 1663  
By: Castro  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, when a weapon is seized in connection with an offense, authorities turn the weapon over to the magistrate or court with jurisdiction over the offense. If the weapon is not requested by the person found in possession within a period prescribed by law, the magistrate or court may order it to be either destroyed or forfeited to the state for use by the law enforcement agency holding the weapon. However, current law does not allow county forensic laboratories access to these weapons. Many firearms that county labs could use for research are being destroyed, resulting in lost data and depriving these labs of a variety of weapons that could aid in the production of more accurate research. County lab examiners often disassemble and study firearms before testifying on a specific firearm, use firearms for essential parts in order to test fire other weapons, and gather information on general rifling characteristics of specific firearms. With more weapons in their possession, county labs could gain more knowledge of how various firearms operate and the characteristics they possess. House Bill 1663 addresses this issue by allowing county forensic labs access to seized weapons in certain situations.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. House Bill 1663 amends Article 18.19 of the Code of Criminal Procedure by authorizing a magistrate or court to order that a weapon seized in connection with an offense, if not returned to the person found in possession of the weapon within the period prescribed by law, be forfeited to the state for use by a county forensic laboratory designated by the magistrate or court.

SECTION 2. The change in law made by this Act applies only to the disposition of a weapon seized on or after the effective date of this Act. The former law is continued in effect for the disposition of a weapon seized before the effective date of this Act.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.