

BILL ANALYSIS

C.S.H.B. 3397
By: Crabb
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, evidence in a capital case is maintained indefinitely. In order to save space and provide for the efficient storage of evidence, C.S.H.B. 3397 allows for the disposal of exhibits in a capital case five years after a sentence of death is imposed.

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

C.S.H.B. 3397 amends the Code of Criminal Procedure to allow an eligible exhibit to be disposed of on or after the fifth anniversary of the death of a defendant if the case is a capital felony for which a sentence of death is imposed. The bill requires prior written notification of the attorneys for both the state and the defendant. The notice must state that if a request is not received by the clerk before the 31st day after the date of notice, the clerk may dispose of the eligible exhibits. Either the attorney for the state or for the defendant may object, prohibiting the disposal.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by improving the language and clarifying the notification requirements and time line. The substitute also allows for an effective date upon passage.