

By: Barrientos

S.B. No. 1854

A BILL TO BE ENTITLED

AN ACT

relating to the disposal of exhibits in a capital case.

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

SECTION 1. Article 2.21(e). Code of Criminal Procedure, is amended by adding subsection (3) to read as follows:

(3) 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 clerk must provide written notice by mail to the attorney representing the state in the case and the attorney of last record representing the defendant before disposing of the exhibit and may not dispose of the exhibit if either attorney objects.

SECTION 2. This Act takes effect September 1, 2003. The change in law made by this Act is retroactive.