

## **BILL ANALYSIS**

Senate Research Center  
79R3853 KCR-D

H.B. 705  
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Criminal Justice  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Under current law, when authorities seize a weapon in connection with an offense, the weapon is turned over to the magistrate or court that has jurisdiction. If there is no prosecution or conviction for an offense involving the weapon seized and the person found in possession of the weapon does not request the return of the weapon within a period prescribed by law, the magistrate or court may order it destroyed or forfeited for use by the law enforcement agency holding the weapon.

However, current law does not allow county forensic laboratories access to these weapons. County lab examiners often disassemble and study firearms before testifying about a specific firearm, use essential parts from firearms to test fire other weapons, and gather information on specific characteristics of firearms. Many firearms that county labs could use for research are not available to them under current law, resulting in lost data and depriving these labs of weapons that could result in research that is more accurate.

H.B. 705 addresses this issue by allowing county forensic labs access to seized weapons in certain situations.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Articles 18.19(c), (d), and (e), Code of Criminal Procedure, as follows:

(c) Requires the magistrate to whom a weapon seizure was reported, if the weapon is not requested before the 61st day after the date of notification, to, before the 121st day after the date of notification, order the weapon destroyed or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the magistrate.

(d) Requires the court entering the judgment in which a person was convicted or placed on deferred adjudication under Chapter 46, Penal Code, to order the weapon destroyed or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the court in certain circumstances.

(e) Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.