

BILL ANALYSIS

H.B. 705
By: Castro
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, when authorities seize a weapon in connection with an offense, they turn the weapon 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 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. House Bill 705 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

This bill amends §18.19 of the Code of Criminal Procedure by allowing a magistrate to order a weapon seized in connection with an offense, if not returned to the person found in possession of the weapon under the terms prescribed by law, be forfeited to the state for use by a county forensic laboratory designated by the magistrate.

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

EFFECTIVE DATE

September 1, 2005