

BILL ANALYSIS

S.B. 1970
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Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 13 Department of Public Safety (DPS) laboratories throughout Texas typically receive about 150,000 pounds of marijuana each year. After analysis, some is retained in DPS labs while marijuana submitted by other agencies is returned to the submitting agency. Destruction of this large amount of marijuana is a continuing and expensive problem for both DPS and other law enforcement agencies, as DPS has few incinerators of its own and as such, must use more expensive commercial incinerators.

S.B. 1970 provides a funding mechanism for DPS to purchase its own incinerator by charging agencies using the department's drug destruction services a fee designed to cover the costs of drug destruction, to be deposited in a fund created for the purpose of funding such services.

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

Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0132, which authorizes Department of Public Safety to provide for the destruction of a drug, controlled substance, immediate precursor, chemical precursor, or other controlled substance property, including an apparatus or paraphernalia kept, prepared, or manufactured in violation of state or federal laws, that has been seized by a state, local or federal agency and that is authorized to be destroyed under state or federal laws.

The bill also authorizes the Department of Public Safety to charge a fee to a state, local, or federal agency for which the department provides services under this section in an amount designed to recover the direct and indirect costs to the department of administering this section. Different fee amounts for agencies may be based on differing circumstances, including the volume or weight of the material to be destroyed.

The bill further requires that money received by the Department of Public Safety for the disposal services be deposited to the credit of a fund in the state treasury outside the general revenue fund. Money in the fund may be spent only by the department to administer this section. Section 403.095 does not apply to the fund.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007