

By: Hinojosa

S.B. No. 1970

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the destruction by the Department of Public Safety of  
3 drugs and controlled substances seized by a state, local, or  
4 federal agency and the fee charged by the department for that  
5 service.

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

7 SECTION 1. Subchapter A, Chapter 411, Government Code, is  
8 amended by adding Section 411.0132 to read as follows:

9 Sec. 411.0132. DESTRUCTION OF SEIZED DRUGS AND OTHER  
10 CONTROLLED SUBSTANCES. (a) The department may provide for the  
11 destruction of a drug, controlled substance, immediate precursor,  
12 chemical precursor, or other controlled substance property,  
13 including an apparatus or paraphernalia kept, prepared, or  
14 manufactured in violation of the laws of this state or the United  
15 States, that has been seized by a state, local, or federal agency  
16 and that may be destroyed under the laws of this state or the United  
17 States.

18 (b) The department may charge a fee to a state, local, or  
19 federal agency for which the department provides services under  
20 this section in an amount designed to recover the direct and  
21 indirect costs to the department of administering this section.  
22 Under this subsection, the department may set different fee amounts  
23 for agencies based on differing circumstances, including the volume  
24 or weight of the material to be destroyed.

1        (c) Money received by the department from the fee charged  
2 under Subsection (b) shall be deposited to the credit of a fund in  
3 the state treasury outside the general revenue fund. Money in the  
4 fund may be spent only by the department for the purpose of  
5 administering this section. Section 403.095 does not apply to the  
6 fund.

7        SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2007.