

1-1 By: Hinojosa S.B. No. 1970
1-2 (In the Senate - Filed March 26, 2007; March 27, 2007, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 4, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 4, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the destruction by the Department of Public Safety of
1-9 the State of Texas of drugs and controlled substances seized by a
1-10 state, local, or federal agency and the fee charged by the
1-11 department for that service.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 411, Government Code, is
1-14 amended by adding Section 411.0132 to read as follows:

1-15 Sec. 411.0132. DESTRUCTION OF SEIZED DRUGS AND OTHER
1-16 CONTROLLED SUBSTANCES. (a) The department may provide for the
1-17 destruction of a drug, controlled substance, immediate precursor,
1-18 chemical precursor, or other controlled substance property,
1-19 including an apparatus or paraphernalia kept, prepared, or
1-20 manufactured in violation of the laws of this state or the United
1-21 States, that has been seized by a state, local, or federal agency
1-22 and that may be destroyed under the laws of this state or the United
1-23 States.

1-24 (b) The department may charge a fee to a state, local, or
1-25 federal agency for which the department provides services under
1-26 this section in an amount designed to recover the direct and
1-27 indirect costs to the department of administering this section.
1-28 Under this subsection, the department may set different fee amounts
1-29 for agencies based on differing circumstances, including the volume
1-30 or weight of the material to be destroyed.

1-31 (c) Money received by the department from the fee charged
1-32 under Subsection (b) shall be deposited to the credit of a fund in
1-33 the state treasury outside the general revenue fund. Money in the
1-34 fund may be spent only by the department for the purpose of
1-35 administering this section. Section 403.095 does not apply to the
1-36 fund.

1-37 SECTION 2. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2007.

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