

BILL ANALYSIS

C.S.H.B. 4427
By: Hernandez
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a district clerk to dispose of criminal exhibits. As a result of the law, exhibits from non-capital cases accumulate and require the district clerk to use an excessive amount of storage space. Managing, maintaining, and destroying exhibits is costly to the district clerk.

C.S.H.B. 4427 authorizes a clerk in a county with a population of 1.7 million or more to dispose of an eligible exhibit or deliver the exhibit to the county purchasing agent to be sold at auction on the date specified by law if the clerk has not received a request for the exhibit from the attorney representing the state or the attorney representing the defendant by that date. The bill requires one half of all proceeds from the sale of any eligible exhibits sold by the purchasing agent of the county at auction to be transferred to the budget of the county and for the other half to be transferred to the state treasury to the credit of the compensation to victims of crime fund.

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

C.S.H.B. 4427 amends the Code of Criminal Procedure to authorize a clerk in a county with a population of 1.7 million, as an alternative option to the clerk's disposing of an eligible exhibit used in a criminal proceeding, to deliver the eligible exhibit to the county purchasing agent for disposal as surplus or salvage property if, on the date specified by law, the clerk has not received a request for the exhibit from either the attorney representing the state in the case or the attorney representing the defendant.

C.S.H.B. 4427 requires the commissioners court to remit 50 percent of any proceeds of the disposal of an eligible exhibit as surplus or salvage property, less the reasonable expense of keeping the exhibit before disposal and the costs of that disposal, to the county treasury, to be used only to defray the costs incurred by the county for the management, maintenance, or destruction of eligible exhibits in the county, and the same amount to the state treasury to the credit of the compensation to victims of crime fund.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4427 differs from the original by requiring the commissioners court to remit 50 percent of any proceeds of the disposal of an eligible exhibit as surplus or salvage property, less the reasonable expense of keeping the exhibit before disposal and the costs of that disposal, to the

county treasury to be used only to defray the costs incurred by the county, rather than by the district clerk of the county, for the management, maintenance, or destruction of eligible exhibits in the county.