

BILL ANALYSIS

S.B. 1774
By: Whitmire
Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

S.B. 1774 is intended to relieve counties with populations exceeding 1.7 million from storage costs associated with the accumulation of exhibits. Following presentation in the judicial process, exhibits often go unclaimed and remain in the possession of the county after dates predetermined by statutory law. When this occurs, counties become responsible for their storage, maintenance, and ultimately their disposal. However, counties are unable to utilize means to recuperate costs when eligible exhibits have value from which proceeds can be obtained.

Currently, counties are required to store and then dispose of exhibits without any relief for costs incurred. Counties are limited in this regard because current law does not explicitly authorize counties to deliver eligible exhibits to purchasing agents. This access would allow them to utilize proceeds to relieve costs associated with storage, maintenance, and disposal. This bill aims to relieve certain counties of the burden associated with exhibits left in their possession.

As proposed, S.B. 1774 authorizes the county clerk in counties with populations exceeding 1.7 million to deliver exhibits to a county purchasing agent. This bill requires a remittance of 50 percent of proceeds to the county treasury and the state's crime victims' fund.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 2.21, Code of Criminal Procedure, by amending Subsection (f) and adding Subsection (f-1), as follows:

(f) Authorizes a clerk in a county with a population of 1.7 million or more to dispose of an eligible exhibit or to deliver the eligible exhibit to the county purchasing agent for disposal as surplus or salvage property under Section 263.152 (Disposition), Local Government Code, if on the date provided by Subsection (e) (relating to the ways in which an eligible exhibit may be disposed of as provided in this article) 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, rather than is authorized to dispose of an eligible exhibit on the date provided by Subsection (e) of this article, if on that date 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.

(f-1) Requires the commissioners court, notwithstanding Section 263.156 (Proceeds), Local Government Code, or any other law, to remit 50 percent of any proceeds of the disposal of an eligible exhibit as surplus or salvage property under Subsection (f), less the reasonable expense of keeping the exhibit before disposal and the costs of that disposal, to each of the following: the county treasury, to be used only to defray the costs incurred by the district clerk of the county for the management, maintenance, or description of eligible exhibits in the county; and the state treasury to the credit of the compensation to victims of crime fund established under Subchapter B (Crime Victims' Compensation), Chapter 56 (Rights of Crime Victims).

SECTION 2. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.

EXPLANATION OF AMENDMENTS

Amends S.B. 1774 by deleting bracketing language which limited the bill's affect to cities with a population of 1.7 million or more, and adds clarifying language throughout to accompany this change.