

By: Hernandez

H.B. No. 4427

Substitute the following for H.B. No. 4427:

By: Riddle

C.S.H.B. No. 4427

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the disposal of certain exhibits used in criminal
3 proceedings in certain counties.

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

5 SECTION 1. Article 2.21, Code of Criminal Procedure, is
6 amended by amending Subsection (f) and adding Subsection (f-1) to
7 read as follows:

8 (f) A clerk in a county with a population of 1.7 million or
9 more may dispose of an eligible exhibit or may deliver the eligible
10 exhibit to the county purchasing agent for disposal as surplus or
11 salvage property under Section 263.152, Local Government Code, [on
12 the date provided by Subsection (e) of this article] if on the
13 [that] date provided by Subsection (e) the clerk has not received a
14 request for the exhibit from either the attorney representing the
15 state in the case or the attorney representing the defendant.

16 (f-1) Notwithstanding Section 263.156, Local Government
17 Code, or any other law, the commissioners court shall remit 50
18 percent of any proceeds of the disposal of an eligible exhibit as
19 surplus or salvage property under Subsection (f), less the
20 reasonable expense of keeping the exhibit before disposal and the
21 costs of that disposal, to each of the following:

22 (1) the county treasury, to be used only to defray the
23 costs incurred by the county for the management, maintenance, or
24 destruction of eligible exhibits in the county; and

1 (2) the state treasury to the credit of the
2 compensation to victims of crime fund established under Subchapter
3 B, Chapter 56.

4 SECTION 2. This Act takes effect September 1, 2009.