

By: Wentworth

S.B. No. 1631

A BILL TO BE ENTITLED

AN ACT

relating to the time for filing a certificate of analysis for use as evidence in a criminal action.

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

SECTION 1. Section 4, Article 38.41, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. Not later than the 30th [~~20th~~] day before the trial begins in a proceeding in which a certificate of analysis under this article is to be introduced, the certificate must be filed with the clerk of the court and a copy must be provided by fax, hand delivery, or certified mail, return receipt requested, to the opposing party. The certificate is not admissible under Section 1 if, not later than the 15th [~~10th~~] day after the date the opposing party receives the copy of the certificate [~~before the trial begins~~], the opposing party files a written objection to the use of the certificate with the clerk of the court and provides a copy of the objection by fax, hand delivery, or certified mail, return receipt requested, to the offering party.

SECTION 2. The change in law made by this Act applies only to the admissibility of a certificate of analysis in a criminal proceeding that commences on or after the effective date of this Act. The admissibility of a certificate of analysis in a criminal proceeding that commenced before the effective date of this Act is governed by the law in effect at the time the proceeding commenced,

1 and the former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.