

AN ACT

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

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

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

(f) Subject to Subsections (g), (h), (i), and (j), a [A] clerk ~~[in a county with a population of 1.7 million or more]~~ may dispose of an eligible exhibit or may deliver the eligible exhibit to the county purchasing agent for disposal as surplus or salvage property under Section 263.152, Local Government Code, ~~[on the date provided by Subsection (e) of this article]~~ if on the ~~[that]~~ date provided by Subsection (e) 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) Notwithstanding Section 263.156, Local Government Code, or any other law, the commissioners court shall remit 50 percent of any proceeds of the disposal of an eligible exhibit as surplus or salvage property as described by Subsection (f), less the reasonable expense of keeping the exhibit before disposal and the costs of that disposal, to each of the following:

(1) the county treasury, to be used only to defray the costs incurred by the district clerk of the county for the

1 management, maintenance, or destruction of eligible exhibits in the  
2 county; and

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

6 (i) If a request is not received by a clerk covered by  
7 Subsection (g) [~~of this article~~] before the 31st day after the date  
8 of notice, the clerk may dispose of the eligible exhibit in the  
9 manner permitted by this article, including the delivery of the  
10 eligible exhibit for disposal as surplus or salvage property as  
11 described by Subsection (f).

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1774 passed the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1774 passed the House, with amendment, on May 15, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor