

By: Whitmire

S.B. No. 1774

A BILL TO BE ENTITLED

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 Subsection (f) and adding Subsection (f-1) to read as follows:

(f) 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 under 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 management, maintenance, or destruction of eligible exhibits in the

1 county; and

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

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

COMMITTEE AMENDMENT NO. 1

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Amend S.B. 1774 as follows:

(1) On page 1, line 6, strike "Subsection (f)" and substitute "Subsections (f) and (i)".

(2) On page 1, lines 8 and 9, strike "A clerk in a county with a population of 1.7 million of more may dispose" and substitute "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".

(3) On page 1, line 19, strike "under" and substitute "as described by".

(4) On page 2, between lines 4 and 5, insert the following:

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

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