1-1 By: Whitmire   S.B. No. 1774
1-2   (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 20, 2009, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 20, 2009, sent to printer.)

1-6   A BILL TO BE ENTITLED
1-7   AN ACT

1-8 relating to the disposal of certain exhibits used in criminal
1-9 proceedings in certain counties.
1-10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11   SECTION 1.   Article 2.21, Code of Criminal Procedure, is
1-12 amended by amending Subsection (f) and adding Subsection (f-1) to
1-13 read as follows:
1-14   (f) A clerk in a county with a population of 1.7 million or
1-15 more may dispose of an eligible exhibit or may deliver the eligible
1-16 exhibit to the county purchasing agent for disposal as surplus or
1-17 salvage property under Section 263.152, Local Government Code, [on
1-18 the date provided by Subsection (e) of this article] if on the
1-19 [that] date provided by Subsection (e) the clerk has not received a
1-20 request for the exhibit from either the attorney representing the
1-21 state in the case or the attorney representing the defendant.
1-22   (f-1) Notwithstanding Section 263.156, Local Government
1-23 Code, or any other law, the commissioners court shall remit 50
1-24 percent of any proceeds of the disposal of an eligible exhibit as
1-25 surplus or salvage property under Subsection (f), less the
1-26 reasonable expense of keeping the exhibit before disposal and the
1-27 costs of that disposal, to each of the following:
1-28   (1) the county treasury, to be used only to defray the
1-29 costs incurred by the district clerk of the county for the
1-30 management, maintenance, or destruction of eligible exhibits in the
1-31 county; and
1-32   (2) the state treasury to the credit of the
1-33 compensation to victims of crime fund established under Subchapter
1-34 B, Chapter 56.
1-35   SECTION 2.   This Act takes effect September 1, 2009.

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