

By: Ellis

S.B. No. 2372

A BILL TO BE ENTITLED

AN ACT

relating to property and evidence technicians.

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

SECTION 1. Title 10, Occupations Code, is amended by adding Chapter 1705 to read as follows:

CHAPTER 1705. PROPERTY AND EVIDENCE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1705.001. SHORT TITLE. This chapter may be cited as the Texas Act for Property and Evidence (TAPE).

Sec. 1705.002. EVIDENCE TECHNICIANS. (a) In this section:

(1) "Evidence technician" means a person employed by or serving a law enforcement agency who receives, preserves, stores, disposes of, and accounts for any and all property and/or evidence coming into the possession of the law enforcement agency. People assigned to Property/Evidence Rooms may also be titled "Property Control Officer", "Property Attendant", "Property Specialist", or any other classification as long as the position is assigned to the Property/Evidence Room.

(2) "Property" means any item submitted to the Property/Evidence Room that does not have evidentiary value or is not related to or alleged to be related to any criminal act. The terms "abandoned", "unclaimed" and "found" may also be used to further describe property submitted under this definition.

(3) "Evidence" means any item that tends to prove or

1 disprove that a criminal act occurred or can prove or disprove guilt
2 or innocence.

3 Sec. 1705.003. EVIDENCE TECHNICIANS CERTIFICATION.

4 (a) This state or a political subdivision of this state may not
5 appoint or employ a person to act as an evidence technician and/or
6 court clerk, unless the person has had at least eight hours of
7 evidence technician training as determined by the commission.

8 (b) The commission shall accredit evidence technician
9 training programs that fulfill the minimum requirements for an
10 evidence technician and/or court clerk. The commission shall adopt
11 rules providing for the accreditation of an evidence technician
12 training program developed and taught by the Texas Association of
13 Property and Evidence Inventory Technicians, the Department of
14 Public Safety, an institution of higher education, including a
15 junior college, community college, or technical school, or any
16 other entity approved by the commission.

17 (c) A person who completes an accredited training program
18 under this section may, by letter to the commission, request a
19 written acknowledgment from the commission that the person has met
20 the minimum requirements for an evidence technician as determined
21 by the commission. The request must be accompanied, in accordance
22 with commission rules, by evidence of satisfactory completion of an
23 accredited evidence technician training program. On a
24 determination by the commission that the person meets the minimum
25 requirements for an evidence technician, the commission shall issue
26 the written acknowledgment to the person.

27 (d) A person performing the duties of an evidence technician

1 and serving under permanent appointment on and before September 1,
2 2009, is not required to meet the requirements of this section as a
3 condition of continued employment.

4 (e) Notwithstanding this section, a person may be appointed
5 or serve as an evidence technician on a temporary or probationary
6 basis or may perform the duties of an evidence technician in an
7 emergency.

8 (f) A person appointed on a temporary or probationary basis
9 after September 1, 2009, who does not satisfactorily complete an
10 accredited evidence technician training program before the first
11 anniversary of the date the person is originally appointed shall be
12 removed from the position. The person's temporary or probationary
13 appointment may not be extended for more than one year except that
14 not earlier than the first anniversary of the date the person is
15 removed under this subsection, the employing agency may petition
16 the commission for reinstatement of the person to temporary or
17 probationary employment.