

By: Lucio III

H.B. No. 3046

A BILL TO BE ENTITLED

AN ACT

1
2 relating to monitoring the retention, preservation, and
3 disposition of physical evidence gathered in a criminal
4 investigation.

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

6 SECTION 1. Chapter 38, Code of Criminal Procedure, is
7 amended by adding Article 38.46 to read as follows:

8 Art. 38.46. MONITORING OF STORAGE AND PRESERVATION OF
9 EVIDENCE. (a) The commissioners court of a county may develop a
10 plan and procedures for monitoring the retention, preservation, and
11 disposition of physical evidence seized in a criminal investigation
12 and stored by a local law enforcement agency, including procedures
13 for inspections described by Subsection (c).

14 (b) The commissioners court of a county may designate an
15 attorney with jurisdiction to prosecute criminal offenses in the
16 county as authorized by the commissioners court to monitor the
17 retention, preservation, and disposition of physical evidence
18 seized in a criminal investigation according to procedures adopted
19 under Subsection (a).

20 (c) A local law enforcement agency shall allow the
21 commissioners court of a county or the prosecuting attorney
22 designated under Subsection (b) to perform inspections as necessary
23 for monitoring conducted under this article, including inspections
24 of:

1 (1) a written log maintained by the law enforcement
2 agency listing or cataloging the evidence and describing its chain
3 of custody; and

4 (2) a secure storage area in which the law enforcement
5 agency maintains physical evidence to verify the correctness of the
6 log.

7 SECTION 2. This Act takes effect September 1, 2011.