

By: Murr, Lang

H.B. No. 300

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to inquest summary reports and the preservation of  
3 evidence collected in the course of an inquest.

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

5 SECTION 1. Article 49.17, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 49.17. EVIDENCE. A justice of the peace shall preserve  
8 all tangible evidence that the justice accumulates in the course of  
9 an inquest that tends to show the real cause of death or identify  
10 the person who caused the death. The justice shall[+

11 [~~(1)~~] deposit the evidence with the appropriate law  
12 enforcement agency to be stored in the agency's property room for  
13 safekeeping[~~+~~ or

14 [~~(2) deliver the evidence to the district clerk for~~  
15 ~~safekeeping subject to the order of the court].~~

16 SECTION 2. Article 49.15(d), Code of Criminal Procedure, is  
17 repealed.

18 SECTION 3. The certified copy of an inquest summary report  
19 received and maintained by a district court clerk under Article  
20 49.15(d), Code of Criminal Procedure, as it existed immediately  
21 before the effective date of this Act, may be destroyed by the clerk  
22 in accordance with the district court's records retention schedule.

23 SECTION 4. As soon as practicable after the effective date  
24 of this Act, each district clerk in possession of evidence

1 delivered to the clerk for safekeeping under Article 49.17, Code of  
2 Criminal Procedure, as that article existed immediately before the  
3 effective date of this Act, shall transfer the evidence to the  
4 appropriate law enforcement agency for safekeeping as provided by  
5 Article 49.17, Code of Criminal Procedure, as amended by this Act.

6 SECTION 5. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2019.