

By: González of Dallas

H.B. No. 3502

A BILL TO BE ENTITLED

AN ACT

relating to the disposal of exhibits used in criminal proceedings.

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

SECTION 1. Article 2.21, Code of Criminal Procedure, is amended by amending Subsections (d) and (e) and adding Subsection (e-1) to read as follows:

(d) In this article, "eligible exhibit" means an exhibit filed with the clerk that:

(1) is not a firearm or contraband;

(2) has not been ordered by the court to be returned to its owner; and

(3) is not an exhibit in any other ~~[another pending]~~ criminal action that is pending final disposition.

(e) An eligible exhibit may be disposed of as provided by this article:

(1) on or after the first anniversary of the date on which a conviction becomes final in the case, if the case is a misdemeanor ~~[or a felony for which the sentence imposed by the court is five years or less]~~;

(2) on or after the second anniversary of the date on which a conviction becomes final in the case, if the case is a ~~[non-capital]~~ felony for which the sentence imposed by the court is ~~[greater than]~~ five years or less;

(3) on or after the 10th anniversary of the date on

1 which a conviction becomes final in the case, if the case is a
2 noncapital felony for which the sentence imposed by the court is
3 greater than five years;

4 (4) on or after the first anniversary of the date of
5 the acquittal of a defendant; or

6 (5) [~~(4)~~] on or after the first anniversary of the
7 date of the death of a defendant.

8 (e-1) Notwithstanding Subsection (e), if the exhibit is
9 filed in the trial of more than one criminal case, an eligible
10 exhibit may be disposed of beginning on the expiration of the
11 longest period that remains applicable, calculated for each trial
12 according to the dates specified under Subsection (e)(1), (2), (3),
13 (4), or (5), on the date the exhibit becomes an eligible exhibit
14 under Subsection (d).

15 SECTION 2. This Act takes effect September 1, 2019.