

## **BILL ANALYSIS**

S.B. 1660  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill sponsor has informed the committee that there is ambiguity in current law regarding when toxicological evidence can be destroyed, especially in cases where the retention period has expired, and that updating the statute related to toxicological evidence to reflect modern needs and capabilities will reduce storage costs and administrative overhead, freeing up resources to better preserve critical evidence. S.B. 1660 requires crime laboratories that retain and preserve toxicological evidence of certain intoxication offenses to annually notify the relevant prosecutor's office about their possession of toxicological evidence related to alleged offenses within that county. This update, along with others in the bill, sets clear guidelines for managing toxicological evidence and ensures proper communication with prosecutors while balancing evidence retention and timely disposal.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1660 amends the Code of Criminal Procedure to require a crime laboratory that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence of certain intoxication and alcoholic beverage offenses that is in possession of toxicological evidence to annually do the following:

- notify the prosecutor's office in the county in which the alleged offense occurred that the laboratory is in possession of toxicological evidence for an alleged offense that occurred in that county; and
- provide to the prosecutor's office the date on which the laboratory received the evidence.

S.B. 1660 authorizes the entity or individual charged with storing the toxicological evidence, if a prosecutor's office does not provide a written denial of a request to destroy toxicological evidence before the 90th day after the date the request is made by hand delivery, certified mail, or email to an address designated by the prosecutor's office, to destroy the evidence if the following retention periods for that evidence have expired:

- the duration of a defendant's sentence or term of community supervision, as applicable, if the defendant is convicted or placed on community supervision, or for the duration of the commitment or supervision period applicable to the disposition of a juvenile adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; or

- until the defendant is acquitted or the indictment or information is dismissed with prejudice, or, in a juvenile proceeding, until a hearing is held and the court does not find the child engaged in delinquent conduct or conduct indicating a need for supervision.

S.B. 1660 applies only to evidence for which the appropriate retention and preservation period under the bill's provisions expires on or after the bill's effective date. Evidence for which the appropriate retention and preservation period expired before the bill's effective date is governed by the law in effect on the date of expiration of that period, and the former law is continued in effect for that purpose.

**EFFECTIVE DATE**

September 1, 2025.