

BILL ANALYSIS

Senate Research Center
89R8882 LHC-F

S.B. 1660
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Criminal Justice
4/25/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1660 requires that crime laboratories annually notify the relevant prosecutor's office about their possession of toxicological evidence related to alleged offenses within that county. This notification must also include the date on which the retention period for the evidence is set to expire.

For alleged offenses punishable as a felony, a prosecutor's office retains the authority to require written approval before toxicological evidence, subject to specific retention periods, can be destroyed. If a prosecutor's office does not provide a written denial of a request to destroy the evidence within 60 days of the request, and the retention period has expired, the storing entity can proceed with destruction. The changes apply only to evidence for which the retention and preservation period expires on or after the effective date of this act.

As proposed, S.B. 1660 amends current law relating to the retention and preservation of toxicological evidence of certain intoxication offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 38.50, Code of Criminal Procedure, by adding Subsections (c-1) and (i) and amending Subsections (g) and (h), as follows:

(c-1) Requires a crime laboratory to which Article 38.50 (Retention and Preservation of Toxicological Evidence of Certain Intoxication Offenses) applies that is in possession of toxicological evidence to annually 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 retention period for the evidence expires as provided by Subsection (c) (relating to the preservation of toxicological evidence).

(g) Makes a nonsubstantive change to this subsection.

(h) Provides that this subsection applies only to toxicological evidence collected for an alleged offense punishable as a felony. 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 60th day after the date the request is made, to destroy the evidence if the retention period under Subsection (c)(2) (relating to the preservation of toxicological evidence for the duration of a defendant's sentence, term of community supervision, or commitment) and (c)(3) (relating to the preservation of toxicological evidence until a defendant is acquitted or the indictment or information is dismissed with prejudice) for that evidence has expired.

(i) Provides that this subsection applies only to toxicological evidence collected for an alleged offense punishable as a misdemeanor. Prohibits a prosecutor's office from

requiring that an entity or individual charged with storing toxicological evidence request written approval from the prosecutor's office before destroying toxicological evidence for cases in which the prosecutor's office presented the indictment, information, or petition if the retention period under Subsection (c)(2) or (c)(3) for that evidence has expired.

SECTION 2. Makes application of the change in law made by this Act prospective.

SECTION 3. Effective date: September 1, 2025.