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By:  Huffman S.B. No. 1660

A BILL TO BE ENTITLED

AN ACT

relating to the retention and preservation of toxicological evidence of certain intoxication offenses.

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

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

(c-1)  A crime laboratory to which this article applies that is in possession of toxicological evidence shall annually:

(1)  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

(2)  provide to the prosecutor's office the date on which the retention period for the evidence expires as provided by Subsection (c).

(g)  Notice given under this article must be given:

(1)  in writing, as soon as practicable, by hand delivery, e-mail, or first-class [~~first class~~] mail to the person's last known e-mail or mailing address; or

(2)  if applicable, orally and in writing on requesting the specimen under Section 724.015, Transportation Code.

(h)  This subsection applies only to toxicological evidence collected for an alleged offense punishable as a felony. A prosecutor's office may require that an entity or individual charged with storing toxicological evidence seek written approval from the prosecutor's office before destroying toxicological evidence subject to the retention period under Subsection (c)(2) or (c)(3) for cases in which the prosecutor's office presented the indictment, information, or petition. 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, the entity or individual charged with storing the toxicological evidence may destroy the evidence if the retention period under Subsection (c)(2) or (c)(3) for that evidence has expired.

(i)  This subsection applies only to toxicological evidence collected for an alleged offense punishable as a misdemeanor. A prosecutor's office may not require 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.  The change in law made by this Act applies only to evidence for which the appropriate retention and preservation period under Article 38.50, Code of Criminal Procedure, as amended by this Act, expires on or after the effective date of this Act. Evidence for which the appropriate retention and preservation period expired before the effective date of this Act 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.

SECTION 3.  This Act takes effect September 1, 2025.