

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 Subsection (c-1) 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 laboratory received the evidence.

(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) 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

1 toxicological evidence subject to the retention period under
2 Subsection (c)(2) or (3) [~~(c)(3)~~] for cases in which the
3 prosecutor's office presented the indictment, information, or
4 petition. If a prosecutor's office does not provide a written
5 denial of a request to destroy toxicological evidence before the
6 90th day after the date the request is made by hand delivery,
7 certified mail, or e-mail to an address designated by the
8 prosecutor's office, the entity or individual charged with storing
9 the toxicological evidence may destroy the evidence if the
10 retention period under Subsection (c)(2) or (3) for that evidence
11 has expired.

12 SECTION 2. Article 38.50(h), Code of Criminal Procedure, as
13 amended by this Act, applies only to evidence for which the
14 appropriate retention and preservation period under Article 38.50,
15 Code of Criminal Procedure, as amended by this Act, expires on or
16 after the effective date of this Act. Evidence for which the
17 appropriate retention and preservation period expired before the
18 effective date of this Act is governed by the law in effect on the
19 date of expiration of that period, and the former law is continued
20 in effect for that purpose.

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