

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

1 prosecutor's office may require that an entity or individual
2 charged with storing toxicological evidence seek written approval
3 from the prosecutor's office before destroying toxicological
4 evidence subject to the retention period under Subsection (c)(2) or
5 (c)(3) for cases in which the prosecutor's office presented the
6 indictment, information, or petition. If a prosecutor's office
7 does not provide a written denial of a request to destroy
8 toxicological evidence before the 60th day after the date the
9 request is made, the entity or individual charged with storing the
10 toxicological evidence may destroy the evidence if the retention
11 period under Subsection (c)(2) or (c)(3) for that evidence has
12 expired.

13 (i) This subsection applies only to toxicological evidence
14 collected for an alleged offense punishable as a misdemeanor. A
15 prosecutor's office may not require that an entity or individual
16 charged with storing toxicological evidence request written
17 approval from the prosecutor's office before destroying
18 toxicological evidence for cases in which the prosecutor's office
19 presented the indictment, information, or petition if the retention
20 period under Subsection (c)(2) or (c)(3) for that evidence has
21 expired.

22 SECTION 2. The change in law made by this Act applies only
23 to evidence for which the appropriate retention and preservation
24 period under Article 38.50, Code of Criminal Procedure, as amended
25 by this Act, expires on or after the effective date of this Act.
26 Evidence for which the appropriate retention and preservation
27 period expired before the effective date of this Act is governed by

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1 the law in effect on the date of expiration of that period, and the
2 former law is continued in effect for that purpose.

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