

1-1 By: Huffman S.B. No. 1660
1-2 (In the Senate - Filed February 26, 2025; March 11, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 May 5, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 5, 2025, sent
1-6 to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Flores	X			
1-10	Parker	X			
1-11	Hagenbuch	X			
1-12	Hinojosa of Hidalgo	X			
1-13	Huffman	X			
1-14	King	X			
1-15	Miles	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1660 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the retention and preservation of toxicological
1-20 evidence of certain intoxication offenses.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 38.50, Code of Criminal Procedure, is
1-23 amended by adding Subsection (c-1) and amending Subsections (g) and
1-24 (h) to read as follows:

1-25 (c-1) A crime laboratory to which this article applies that
1-26 is in possession of toxicological evidence shall annually:

1-27 (1) notify the prosecutor's office in the county in
1-28 which the alleged offense occurred that the laboratory is in
1-29 possession of toxicological evidence for an alleged offense that
1-30 occurred in that county; and

1-31 (2) provide to the prosecutor's office the date on
1-32 which the laboratory received the evidence.

1-33 (g) Notice given under this article must be given:

1-34 (1) in writing, as soon as practicable, by hand
1-35 delivery, e-mail, or first-class ~~[first-class]~~ mail to the person's
1-36 last known e-mail or mailing address; or

1-37 (2) if applicable, orally and in writing on requesting
1-38 the specimen under Section 724.015, Transportation Code.

1-39 (h) A prosecutor's office may require that an entity or
1-40 individual charged with storing toxicological evidence seek
1-41 written approval from the prosecutor's office before destroying
1-42 toxicological evidence subject to the retention period under
1-43 Subsection (c)(2) or (3) ~~[(c)(3)]~~ for cases in which the
1-44 prosecutor's office presented the indictment, information, or
1-45 petition. If a prosecutor's office does not provide a written
1-46 denial of a request to destroy toxicological evidence before the
1-47 90th day after the date the request is made by hand delivery,
1-48 certified mail, or e-mail to an address designated by the
1-49 prosecutor's office, the entity or individual charged with storing
1-50 the toxicological evidence may destroy the evidence if the
1-51 retention period under Subsection (c)(2) or (3) for that evidence
1-52 has expired.

1-53 SECTION 2. Article 38.50(h), Code of Criminal Procedure, as
1-54 amended by this Act, applies only to evidence for which the
1-55 appropriate retention and preservation period under Article 38.50,
1-56 Code of Criminal Procedure, as amended by this Act, expires on or
1-57 after the effective date of this Act. Evidence for which the
1-58 appropriate retention and preservation period expired before the
1-59 effective date of this Act is governed by the law in effect on the
1-60 date of expiration of that period, and the former law is continued

2-1 in effect for that purpose.

2-2 SECTION 3. This Act takes effect September 1, 2025.

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