

## **BILL ANALYSIS**

Senate Research Center  
79R8000 RMB-D

S.B. 1549  
By: Van de Putte  
Criminal Justice  
4/22/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

As proposed, S.B. 1549 simplifies the Code of Criminal Procedure regarding the warehousing of seized contraband, property, and/or supposed trial evidence. The county sheriff's office is responsible for the storage of such materials regardless of which agency seized the contraband or weaponry. This places an unfair burden upon sheriff's offices in municipalities such as San Antonio who are required to store the materials even after the trial.

### **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 Articles 2.21(b) and (c), Code of Criminal Procedure, as follows:

(b) Requires the court reporter, at any time during or after a criminal proceeding, to release for safekeeping any firearm or contraband received as an exhibit in that proceeding to the sheriff or, in a county with a population of 500,000 or more, the law enforcement agency that collected, seized, or took possession of the firearm or contraband or produced the firearm or contraband at the proceeding. Deletes existing text relating to a firearm or contraband received by the court as an exhibit.

(c) Makes conforming and nonsubstantive changes.

SECTION 2. Amends Article 18.09, Code of Criminal Procedure, to define "seizure."

SECTION 3. Amends Article 59.01(8), Code of Criminal Procedure, to redefine "seizure."

SECTION 4. Effective date: September 1, 2005.