

BILL ANALYSIS

Senate Research Center
80R11417 JRD-D

S.B. 1970
By: Hinojosa
Criminal Justice
4/1/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 13 Department of Public Safety (DPS) laboratories throughout Texas typically receive about 150,000 pounds of marijuana each year. After analysis, some is retained in DPS labs while marijuana submitted by other agencies is returned to the submitting agency. Destruction of this large amount of marijuana is a continuing and expensive problem for both DPS and other law enforcement agencies, as DPS has few incinerators of its own and as such, must use more expensive commercial incinerators.

As proposed, S.B. 1970 provides a funding mechanism for DPS to purchase its own incinerator by charging agencies using DPS's drug destruction services a fee designed to cover the costs of drug destruction, to be deposited in a fund created for the purpose of funding such services.

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 Subchapter A, Chapter 411, Government Code, by adding Section 411.0132, as follows:

Sec. 411.0132. DESTRUCTION OF SEIZED DRUGS AND OTHER CONTROLLED SUBSTANCES. (a) Authorizes the Department of Public Safety (DPS) to provide for the destruction of a drug, controlled substance, immediate precursor, chemical precursor, or other controlled substance property, including an apparatus or paraphernalia kept, prepared, or manufactured in violation of state or federal laws, that has been seized by a state, local, or federal agency and that is authorized to be destroyed under state or federal laws.

(b) Authorizes DPS to charge a fee to a state, local, or federal agency for which DPS provides services under this section in an amount designed to recover the direct and indirect costs to DPS of administering this section. Authorizes DPS, under this subsection, to set different fee amounts for agencies based on differing circumstances, including the volume or weight of the material to be destroyed.

(c) Requires money received by DPS from the fee charged under Subsection (b) to be deposited to the credit of a fund in the state treasury outside the general revenue fund. Authorizes money in the fund to be spent only by DPS for the purpose of administering this section. Provides that Section 403.095 (Use of Dedicated Revenue) does not apply to the fund.

SECTION 2. Effective date: upon passage or September 1, 2007.