

BILL ANALYSIS

Senate Research Center
87R16045 JSC-D

C.S.S.B. 1125
By: Perry
Criminal Justice
4/8/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently there is an insufficient source of high-quality reference materials for forensic crime labs for the development and validation of testing. It often takes forensic crime labs months to obtain such samples from the federal government.

In many states, adjudicated casework is routinely used for analyst training, the development of new methods, and the validation of new procedures. Use of adjudicated casework in Texas for these purposes has been challenging for the Department of Public Safety of the State of Texas in particular. Typically, these samples are destroyed. This severely hampers the ability of the laboratory to stay abreast of new methods and develop technologies that serve the criminal justice system.

S.B. 1125 provides statutory language expressly permitting law enforcement agencies to transfer adjudicated case samples scheduled for destruction to crime laboratories and permit the crime labs to use the samples as long as the use is limited to laboratory research, testing validation and training of analysts.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1125 amends current law relating to the disposition of certain controlled substance property and plants seized by or forfeited to a law enforcement agency.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the director of the Department of Public Safety of the State of Texas in SECTION 9 (Section 481.161, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 481.151, Health and Safety Code, by adding Subdivisions (2-a) and (2-b), as follows:

(2-a) Defines "crime laboratory" for purposes of Subchapter E (Forfeiture).

(2-b) Defines "criminal justice agency" for purposes of Subchapter E.

SECTION 2. Amends the heading to Section 481.152, Health and Safety Code, to read as follows:

Sec. 481.152. SEIZURE, SUMMARY FORFEITURE, AND SUMMARY DESTRUCTION OR OTHER DISPOSITION OF CONTROLLED SUBSTANCE PLANTS.

SECTION 3. Amends Section 481.152(d), Health and Safety Code, as follows:

(d) Authorizes a court to order the disposition of the plant under Section 481.159 (Disposition of Controlled Substance Property or Plant), or the Department of Public Safety of the State of Texas (DPS), a criminal justice agency, or a peace officer to summarily destroy the property under DPS rules or dispose of the property in lieu of

destruction as provided by Section 481.161, if a controlled substance plant is seized and forfeited under this section.

SECTION 4. Amends the heading to Section 481.153, Health and Safety Code, to read as follows:

Sec. 481.153. SEIZURE, SUMMARY FORFEITURE, AND SUMMARY DESTRUCTION OR OTHER DISPOSITION OF CONTROLLED SUBSTANCE PROPERTY.

SECTION 5. Amends Section 481.153(b), Health and Safety Code, to make conforming changes.

SECTION 6. Amends Sections 481.159(a) and (i), Health and Safety Code, as follows:

(a) Requires a district court, if the district court orders the forfeiture of a controlled substance property or plant under Chapter 59 (Forfeiture of Contraband), Code of Criminal Procedure, or under the Health and Safety Code, to also order a law enforcement agency or a criminal justice agency to which the law enforcement agency transferred the property or plant for analysis and storage to:

(1) retain the property or plant for official law enforcement purposes, rather than purposes, including use in the investigation of offenses under this code;

(2) - (5) makes no changes to these paragraphs.

(i) Makes a conforming change.

SECTION 7. Amends the heading to Section 481.160, Health and Safety Code, to read as follows:

Sec. 481.160. DISPOSITION OF EXCESS QUANTITIES.

SECTION 8. Amends Sections 481.160(a), (c), and (d), Health and Safety Code, to make conforming changes.

SECTION 9. Amends Subchapter E, Chapter 481, Health and Safety Code, by adding Section 481.161, as follows:

Sec. 481.161. DISPOSITION OF CONTROLLED SUBSTANCE PROPERTY OR PLANT IN LIEU OF DESTRUCTION. (a) Provides that controlled substance property or plants subject to summary destruction by a law enforcement agency or ordered destroyed by a court may be disposed of in accordance with this section.

(b) Authorizes a law enforcement agency or criminal justice agency to transfer the controlled substance property or plants to a crime laboratory to be used for the purposes of laboratory research, testing results validation, and training of analysts.

(c) Requires the crime laboratory to which the controlled substance property or plants are transferred under Subsection (c) to destroy or otherwise properly dispose of any unused quantities of the controlled substance property or plants.

(d) Provides that this section does not apply to evidence described by Section 481.160(d) (relating to the destruction of hazardous waste, residuals, contaminated glassware, associated equipment, or byproducts that create a health or environmental hazard).

(e) Authorizes the director of DPS to adopt rules to implement this section.

SECTION 10. Provides that the change in law made by this Act applies to the disposition of evidence on or after the effective date of this Act, regardless of whether the evidence was seized or forfeited before, on, or after that date.

SECTION 11. Effective date: September 1, 2021.