

BILL ANALYSIS

C.S.H.B. 300
By: Murr
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the delivery and retention requirements relating to evidence collected in the course of an inquest and inquest summary reports are redundant and unnecessarily burdensome for justice and district courts. C.S.H.B. 300 seeks to provide for the elimination of this mandate.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 300 repeals Article 49.15(d), Code of Criminal Procedure, requiring the certification and delivery of a copy of an inquest summary report by a justice of the peace and its retention by a district court clerk. The bill authorizes the clerk to destroy the certified copy of such a report as it existed immediately before the bill's effective date in accordance with the district court's records retention schedule.

C.S.H.B. 300 amends the Code of Criminal Procedure to remove the requirement for a justice of the peace to deliver evidence accumulated in the course of an inquest that tends to show the real cause of death or identify the person who caused the death to the district court clerk for safekeeping. The bill requires each clerk in possession of evidence delivered for that safekeeping to transfer the evidence to the appropriate law enforcement agency to be stored in the agency's property room for safekeeping.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 300 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions:

- removing a requirement for a justice of the peace to deliver certain evidence accumulated

- in the course of an inquest to a district court clerk;
- requiring each clerk in possession of that evidence to transfer the evidence to the appropriate law enforcement agency; and
 - authorizing a district court clerk to destroy the certified copy of an inquest summary report.