

## **BILL ANALYSIS**

Senate Research Center  
80R1631 CAE-F

S.B. 722  
By: Hegar  
Criminal Justice  
4/21/2007  
As Filed

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

Current law has created some confusion over whether a court order is required to destroy controlled substances seized as evidence after they have been analyzed and found to be inadmissible in court. Statutory change is necessary to provide clarification regarding the necessity of such an order.

As proposed, S.B. 722 provides that a court order is not required to destroy controlled substances seized as evidence after analysis.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the director of the Department of Public Safety is modified in SECTION 6 (Section 481.154(a), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 481.151, Health and Safety Code, by adding Subdivisions (3) and (4), to define "summary destruction" or "summarily destroy," and "summary forfeiture" or "summarily forfeit," respectively.

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

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

SECTION 3. Amends Section 481.152(c), Health and Safety Code, to authorize an officer to seize and summarily forfeit plants if such plants are found growing on the land or premises and an appropriate registration or proof of registration is not provided on demand.

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

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

SECTION 5. Amends Section 481.153(b), Health and Safety Code, to authorize an officer to summarily destroy an item of controlled substance under the rules of the officer's department if said item is seized and forfeited under this section.

SECTION 6. Amends Section 481.154(a), Health and Safety Code, to authorize the director of the Department of Public Safety to adopt rules and procedures relating to the summary destruction of controlled substance property or plants.

SECTION 7. Effective date: upon passage or September 1, 2007.