

SUBJECT: Eliminating certain requirements for handling inquest reports, evidence

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Collier, Zedler, K. Bell, J. González, P. King, Moody, Murr, Pacheco

0 nays

1 absent — Hunter

WITNESSES: For — Lynn Holt, Justice of the Peace and Constable Association;
(*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; Bobby Gutierrez, John Barton, Carlos Lopez, and Jama Pantel, Justice of the Peace and Constables Association of Texas)

Against — (*Registered, but did not testify*: Roy Hunter, Texas Police Chiefs Association)

BACKGROUND: Code of Criminal Procedure art. 49.17 establishes requirements for justices of the peace handling evidence related to an inquest. Justices are required to preserve all tangible evidence that they accumulate during the inquest that tends to show the real cause of death or identify the person who caused the death. The justice must:

- deposit the evidence with the appropriate law enforcement agency for storage in the agency's property room; or
- deliver the evidence to the district clerk subject to the order of the court.

Code of Criminal Procedure art. 49.15(d) requires justices of the peace to certify a copy of the inquest summary report and deliver it to the clerk of the district court. The clerk of the district court must retain the report subject to an order by the district court.

Some have suggested that current requirements for retaining and handling

inquest evidence and summary information about inquests are outdated, duplicative, and burdensome.

DIGEST:

CSHB 300 would eliminate requirements that justices of the peace deliver evidence relating to inquests to district clerks for safekeeping and would repeal the requirement for justices of the peace to deliver a certified copy of an inquest summary report to court clerks and for courts to retain the copy. Clerks would be authorized to destroy in accordance with the district court's records retention schedule any certified copies of inquest summary reports.

As soon as practicable after the bill's effective date, district clerks who have inquest evidence would be required to transfer it to an appropriate law enforcement agency.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.