

## **BILL ANALYSIS**

Senate Research Center  
79R8231 UM-F

S.B. 1265  
By: Whitmire  
Criminal Justice  
4/11/2005  
As Filed

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

Currently, no standards exist for the testing of probationer's samples or specimens and punitive actions, such as incarceration or restrictions placed on these individuals, may be undertaken without confirmation or assurances that the positive tests are accurate.

S.B. 1265 amends Section 11, Article 42.12, Code of Criminal Procedure, to establish that a sample or specimen taken as part of a test for controlled substances required of a defendant placed on community supervision must be analyzed by a laboratory that is certified by the Substance Abuse and Mental Health Service Administration of the United States Department of Health and Human 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 Section 11, Article 42.12, Code of Criminal Procedure, by adding Subsection (a-1), to require a sample or specimen taken, as part of a test for controlled substances required of a defendant placed on community supervision, to be analyzed by a laboratory that is certified by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services.

SECTION 2. Effective date: September 1, 2005.