



**OFFICE OF THE
DISTRICT ATTORNEY**

P.O. Box 1748, Austin, TX 78767
Telephone: 512/854-9400
Fax: 512/854-4206

MARGARET MOORE
DISTRICT ATTORNEY

MINDY MONTFORD
FIRST ASSISTANT

For Immediate Release
Wednesday, July 3, 2019

Contact: Nancy Williams
512/854-9398

Moore cites new state law for dismissed drug cases

Travis County District Attorney Margaret Moore announced today that she is dismissing 32 felony cases of either possession or delivery of marijuana or tetrahydrocannabinol (THC) pending further investigation, because of the passage of HB 1325.

HB 1325 legalized the production and regulation of hemp. Under the statute, which became effective on June 10, hemp is defined as cannabis sativa L with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. The 32 dismissed cases were all filed on or after June 10.

“After consulting with the Austin Police Department, the Travis County Sheriff’s Office, and the Texas Department of Public Safety, I am dismissing these cases because we cannot obtain a lab analysis on the substances involved to establish the THC concentration,” Moore said. Neither APD nor DPS, which handles analyses for TCSO and other law enforcement agencies in Travis County, have the capability to do this analysis.

“Both labs are telling me it will be eight to twelve months before they can determine THC concentrations,” Moore said, “and our only other option will be to pay private labs for each submission. Additionally, the testing lab will have to be paid to testify, which will incur additional expense. And, of course, since we only know of one lab that is presently able to this testing, the time to get results could be quite lengthy.”

Moore will be contacting the arresting agencies to inform them of the need to dismiss these cases and to evaluate whether the offenses are serious enough to warrant the additional expense.

“I will also be informing the law enforcement agencies by letter not to file marijuana or THC felony cases without consulting with the DA’s Office first to determine whether the necessary lab testing can be obtained,” Moore stated.

The thirty-two dismissed cases comprise six possession of marijuana cases and twenty-six THC cases. The THC cases break down as follows: 14 state jail felonies, which involve less than 1 gram; five 3rd degree felonies involving 1 to 4 grams; four 2nd degree felonies involving 4-400 grams; and three 1st degree felonies filed as delivery of 4-400 grams.

“I am confident that this Office will work closely with law enforcement to ensure that we meet this community’s expectations that we use our resources wisely and still ensure community safety,” said Moore. “I have also checked to make sure that none of these defendants are being held in custody solely on these charges.”

Moore added, “I am told that the Legislature passed this bill noting little or no local fiscal impact. That is obviously incorrect. In fact, if we are expected to enforce the law, our law enforcement agencies and our own budget will have to absorb the cost of the additional testing required and the litigation costs related to the new provisions. This is particularly hurtful when local jurisdictions are facing revenue caps imposed by that same Legislature. I hope they address this next Session.”

###