

BILL ANALYSIS

C.S.H.B. 3554
By: Farrar
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there is a need to revise state law relating to the inadmissibility of certain forensic analyses of evidence conducted by an unaccredited crime laboratory and associated testimony in a criminal case to make the accreditation requirement applicable only to the analysis and not to related expert testimony. C.S.H.B. 3554 seeks to provide such a revision and to establish the corresponding duty of the Texas Forensic Science Commission to investigate professional negligence or professional misconduct by an expert witness.

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. 3554 amends the Code of Criminal Procedure to require the Texas Forensic Science Commission to investigate professional negligence or professional misconduct by an expert witness relating to a forensic analysis conducted by a crime laboratory. The bill limits the applicability of provisions relating to the inadmissibility in a criminal action of a forensic analysis of physical evidence conducted by a crime laboratory that was not accredited by the commission at the time of the analysis to the analysis itself and removes language making expert testimony relating to such evidence inadmissible. The bill exempts expert testimony under the Texas Rules of Evidence regarding the forensic analysis of physical evidence performed by an accredited crime laboratory from provisions relating to the admissibility of forensic analysis of evidence but establishes that those provisions do not limit the commission's duty to investigate professional negligence or professional misconduct by an expert witness relating to such a forensic analysis, including negligence or misconduct affecting the testimony of the witness.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3554 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 a requirement for the commission to investigate professional negligence or professional misconduct by an expert witness relating to a forensic analysis conducted by a crime laboratory.

The substitute includes an exception of expert testimony under the Texas Rules of Evidence regarding analysis of evidence by an accredited laboratory from provisions relating to the admissibility of forensic evidence in criminal actions and includes a provision establishing that those provisions do not limit the commission's duty to investigate professional negligence or misconduct.

The substitute does not include a provision making evidence that a crime laboratory holds a certificate of accreditation inadmissible in a criminal action for the purpose of establishing the validity of a forensic analysis performed by the laboratory.

The substitute makes the following changes with regard to the inadmissibility of a forensic analysis of physical evidence conducted by a crime laboratory that was not accredited at the time of the analysis:

- does not include a condition that the analysis and related expert testimony are inadmissible if presented by the state; and
- limits the inadmissibility instead to the forensic analysis only, excluding the related expert testimony.