

BILL ANALYSIS

S.B. 1331
By: Hinojosa
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that state law governing the Texas Forensic Science Commission, whose duties include accrediting entities that conduct forensic analysis, licensing forensic examiners, and investigating allegations of professional negligence and misconduct in forensic science, does not align with state law governing other judicial branch state agencies that perform similar licensing functions, particularly with regard to the regulation of conduct, complaint investigation, and background checks for license applicants. S.B. 1331 seeks to bring state law governing the commission more in line with other similar judicial branch state agencies in these regards.

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 rulemaking authority is expressly granted to the Texas Forensic Science Commission in SECTIONS 2 and 4 of this bill.

ANALYSIS

S.B. 1331 amends the Code of Criminal Procedure to require the Texas Forensic Science Commission to adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated by the commission. The bill requires the commission to do the following:

- publish the code;
- adopt rules establishing sanctions for code violations; and
- update the code as necessary to reflect changes in science, technology, or other factors affecting the persons and entities regulated by the commission.

S.B. 1331 requires the commission to investigate in a timely manner any allegation of professional negligence or professional misconduct that would substantially affect the integrity of the following:

- a certain forensic examination or test, as specified by the bill, that is conducted by a crime laboratory and that is not subject to accreditation; or
- testimony related to such an examination or test or a forensic analysis conducted by a crime laboratory.

The bill revises the authorization for the commission to initiate an investigation of a forensic analysis without receiving a complaint alleging professional negligence or professional

misconduct after making a certain determination by removing the condition that the investigation be initiated for educational purposes and by expanding the authorization to include an investigation of such a forensic examination or test not subject to accreditation. The bill includes such an examination or test in the scope of provisions authorizing the inclusion of a certain written report in a commission investigation.

S.B. 1331 requires the qualifications for a forensic analyst license established by commission rule to include minimum standards for character and fitness, including consideration of an applicant's criminal history and any other information that may indicate whether the person possesses the requisite honesty, trustworthiness, or integrity to be a license holder. The bill specifies that the forensic disciplines not subject to accreditation for which the commission by rule may establish voluntary licensing programs are forensic examinations or tests not subject to accreditation. The bill authorizes the commission to establish standards to improve the quality of forensic analyses conducted in Texas as part of the crime laboratory accreditation process and authorizes the commission to delegate by contract certain duties relating to that accreditation process to any person it determines to be qualified to assume those duties.

EFFECTIVE DATE

September 1, 2019.