

SUBJECT: Administrative attachment of Forensic Science Commission to OCA

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Smithee, Farrar, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi

1 nay — Schofield

SENATE VOTE: On final passage, (March 22) — 29-0

WITNESSES: No public hearing

BACKGROUND: Code of Criminal Procedure, art. 38.01 establishes the Texas Forensic Science Commission (FSC) composed of nine gubernatorial appointments. Under Code of Criminal Procedure, art. 38.01, sec. 9, the commission is administratively attached to Sam Houston State University, and the board of regents of the Texas State University System is required to provide administrative support to the commission. Only the commission can perform its duties, and neither Sam Houston State University nor the board of regents of the Texas State University System has responsibility or authority over those duties.

The Texas Forensic Science Commission's duties include investigating allegations of professional negligence or professional misconduct by forensic laboratories, conducting certain other investigations of forensic analysis to advance the integrity and reliability of the forensic science in Texas, managing the crime laboratory accreditation program, licensing forensic analysts, and coordinating education and training programs on forensic science.

DIGEST: SB 1124 would move the Texas Forensic Science Commission's administrative attachment from Sam Houston State University to the Office of Court Administration (OCA). The Office of Court Administration would be required to provide administrative support to the commission, and OCA would not have any authority or responsibility for

the commission's duties.

The bill would take effect September 1, 2017, and as soon as practicable after that date, Sam Houston State University and the OCA would be required to adopt a memorandum of understanding for the transfer.

**SUPPORTERS
SAY:**

SB 1124 would move the administrative attachment of the Forensic Science Commission to a more appropriate entity. When the commission was created about 12 years ago, it was attached to Sam Houston State University as a special item due to the university's experience in criminal justice programs and to avoid creating a small, stand-alone agency. The FSC is now an established entity with three staff members in Austin, making it more appropriate to place its administrative functions with a state agency. Special-items status in higher education is often used to start new initiatives and not the best fit for a traditional state commission.

SB 1124 would place the commission's administrative functions under a more logical entity. Sam Houston State University's core function is academics, and the FSC is generally an oversight body. OCA provides administrative support to similar entities, including the Texas Indigent Defense Commission and the Judicial Branch Certification Commission. SB 1124, with a transfer of the commission's budget in the general appropriations act, would allow OCA to handle commission support functions such as payroll, purchasing, and information technology within existing resources.

Under the bill, the commission would continue to operate independently and only its administrative functions would move. SB 1124 is narrowly focused on the administrative support for the Forensic Science Commission and not on its duties or purpose.

**OPPONENTS
SAY:**

Rather than just move the Forensic Science Commission's administrative functions to a new state agency, it could be best to examine the agency's functions and duties.