

BILL ANALYSIS

Senate Research Center

S.B. 1813
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Criminal Justice
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As Filed

DIGEST AND PURPOSE

Due to recent difficulties with the DNA evidence testing and examination operations in the Houston Police Department Crime Lab, an independent audit of the Houston Police Department Crime Lab detailed a wide-range of deficiencies in the DNA analysis section. Some of these deficiencies include the potential for evidence contamination and a lack of basic record keeping. The Houston Police Department Crime Lab DNA section has operated as a non-accredited laboratory and as such has not conducted in-depth internal or external audits that accredited laboratories conduct each year relating to evidence testing, examinations and procedures.

As proposed, S.B. 1813 amends the definition of “forensic analysis” to specifically include DNA evidence testing and examination. This bill also requires crime laboratories conducting forensic analysis of physical evidence to be accredited by the American Society of Crime Laboratory Directors. S.B. 1813 requires the exclusion of any evidence by a lab that is not accredited by the American Society of Crime Laboratory Directors.

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 Article 38.35, Code of Criminal Procedure, by amending Subdivision (a)(1) and adding Subsections (d) and (e), as follows:

- (a)(1) Redefines “forensic analysis” to specifically include DNA evidence testing and examination.
- (d) Requires crime laboratories conducting forensic analysis of physical evidence to be accredited by the American Society of Crime Laboratory Directors.
- (e) Requires physical evidence generated, developed, or examined by a crime laboratory owned or operated by a municipality, county, or other political subdivision to not be admitted in evidence if at the time of the analysis the laboratory was not accredited by the American Society of Crime Laboratory Directors, or if the laboratory did not maintain at least one separate, physical evidence sample for use by defense counsel, until such time as all criminal appeals have been exhausted.

SECTION 2. Effective date: upon passage or September 1, 2003.