

## BILL ANALYSIS

Senate Research Center  
79R7562 JRD-F

S.B. 1200  
By: Ellis  
Criminal Justice  
4/23/2005  
As Filed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Forensic evidence from the Houston Police Department Crime Lab has proven to be so unreliable that the lab was forced to shut down. When a reasonable basis arises to question the reliability of such evidence, caution should be exercised before proceeding with an execution.

As proposed, S.B. 1200 authorizes the attorney for an individual sentenced to death to request information related to the investigation of forensic evidence used in the trial, if the evidence was tested by the Houston crime lab, and a reasonable basis has arisen to question the reliability of the evidence.

### 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 Section 552.108, Government Code, by adding Subsections (d), (e), and (f), as follows:

(d) Provides that, notwithstanding other law, information held by or for a governmental body, including a law enforcement agency or prosecutor, is not confidential or excepted from the requirement of being made available to the public if the information concerns the investigation or prosecution of a capital offense that has resulted in the imposition of a sentence of death and the request for the information is made under certain circumstances.

(e) Requires a government body, including a law enforcement agency or prosecutor, notwithstanding other law, to disclose certain information relating to testing or retesting of forensic evidence.

(f) Authorizes a district court on application of the governmental body to issue an order protecting information that has or will be disclosed under Subsection (d) and imposing terms and conditions on the use of information consistent with the purpose for which the information was obtained if the information is otherwise confidential under law.

SECTION 2. Amends Title 1, Code of Criminal Procedure, by adding Chapter 64A, as follows:

#### CHAPTER 64A. FORENSIC TESTING IN CAPITAL CASE

Art. 64A.01. FORENSIC TESTING OF CERTAIN EVIDENCE AFTER CONVICTION IN CAPITAL CASE. Authorizes the judge of the court in which a person has been convicted of a capital offense to order forensic retesting of certain forensic evidence

Art. 64A.02. CONFLICTS. Provides that in the event of a conflict between this chapter and Chapter 64, this chapter controls.

SECTION 3. Effective date: upon passage or September 1, 2005.