

BILL ANALYSIS

S.B. 1129
By: Bivins
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the results of a private forensic laboratory analysis may be admissible in evidence as a business record or as a public record when the chemist who performed the analysis is unavailable to testify. However, these exceptions are not available for a forensic analysis conducted in a criminal case by a laboratory affiliated with law enforcement, including the Texas Department of Public Safety crime laboratory. Senate Bill 1129 amends the Code of Criminal Procedure to allow admission of a certificate of analysis and a chain of custody affidavit without requiring those individuals to appear in court. The right of a party to summon a witness or to introduce admissible evidence relevant to the results of the analysis is not limited.

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

Senate Bill 1129 amends the Code of Criminal Procedure to provide that a certificate of analysis that complies with this Act is admissible in evidence on behalf of the state or the defendant to establish the results of a laboratory analysis of physical evidence conducted by or for a law enforcement agency without the necessity of the analyst personally appearing in court. The bill does not limit the right of a party to summon a witness or to introduce admissible evidence relevant to the results of the analysis. The bill specifies the information to be included in the certificate and specifies deadlines for the filing of the certificate as well as procedures for objecting to the use of the certificate.

The bill provides that a chain of custody affidavit that complies with this Act is admissible in evidence on behalf of the state or the defendant to establish the chain of custody of physical evidence without the necessity of any person in the chain of custody personally appearing in court. The bill does not limit the right of a party to summon a witness or to introduce admissible evidence relevant to the chain of custody. The bill specifies the information to be included in the affidavit and specifies deadlines for the filing of the affidavit as well as procedures for objecting to the use of the affidavit.

EFFECTIVE DATE

September 1, 2003.