

By: Gallegos

S.B. No. 1813

A BILL TO BE ENTITLED

AN ACT

relating to admissibility of evidence from unaccredited crime laboratories.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 38.35, Code of Criminal Procedure, amending (a)(1) and adding subdivision (d) and (e) to read as follows:

(a) In this article:

(1) "Forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination and [test] testing, performed on physical evidence for the purpose of determining its connection to a criminal action, specifically including, but not limited to, DNA evidence testing and examination.

(2) "Physical evidence" means any tangible object, thing or substance relating to a criminal offense.

(b) A law enforcement agency may procure a forensic analysis of physical evidence obtained in connection with the agency's investigation of a criminal offense.

(c) A law enforcement agency, other governmental agency, or private entity performing a forensic analysis of physical evidence may require the requesting law enforcement agency to pay a fee for such analysis.

(d) Crime laboratories conducting forensic analysis of

1 physical evidence shall be accredited by the American Society of
2 Crime Laboratory Directors.

3 (e) Physical evidence generated, developed, or examined by
4 a crime laboratory owned or operated by a municipality, county, or
5 other political subdivision shall not be admitted in evidence if at
6 the time of such forensic analysis the laboratory was not
7 accredited by the American Society of Crime Laboratory Directors,
8 or, if at the time of such forensic analysis, the laboratory did not
9 maintain at least one separate, physical evidence sample for use by
10 defense counsel, until such time as all criminal appeals have been
11 exhausted.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2003.