

Amend CSSB 1658 (Senate Committee Printing) as follows:

(1) In the introductory language to SECTION 2 of the bill (page 1, line 37), strike "and (b-2)" and substitute "(b-2), (f), and (g)".

(2) In SECTION 2 of the bill, in proposed Subsection (a-1), Section 4, Article 38.01, Code of Criminal Procedure (page 1, line 52), between "initiate" and "an investigation", insert "for educational purposes".

(3) In SECTION 2 of the bill, in proposed Subsection (b-1), Section 4, Article 38.01, Code of Criminal Procedure (page 2, lines 31-55), strike all of the language and punctuation starting with the underlined colon at the end of line 31 and ending with the underlined period at the end of line 55 and substitute the following:

may include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;

(2) best practices identified by the commission during the course of the investigation; and

(3) other recommendations that are relevant, as determined by the commission.

(4) In SECTION 2 of the bill, following amended Subsection (e), Section 4, Article 38.01, Code of Criminal Procedure (page 3, between lines 5 and 6), insert:

(f) The commission may not make a determination of whether professional negligence or professional misconduct occurred or issue a finding on that question in an investigation initiated under Subsection (a-1) or for which an investigation report may be prepared under Subsection (b-1).

(g) The commission may not issue a finding related to the guilt or innocence of a party in an underlying civil or criminal trial involving conduct investigated by the commission under this article.

(5) In the introductory language to SECTION 3 of the bill (page 3, line 7), strike "and 10" and substitute "10, and 11".

(6) In SECTION 3 of the bill, following proposed Section 10, Article 38.01, Code of Criminal Procedure (page 3, between lines 48

and 49), insert:

Sec. 11. REPORT INADMISSIBLE AS EVIDENCE. A written report prepared by the commission under this article is not admissible in a civil or criminal action.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsections (a) and (b), Section 3, Article 38.01, Code of Criminal Procedure, are amended to read as follows:

(a) The commission is composed of the following seven [~~nine~~] members[+:

~~[(1) four members]~~ appointed by the governor:

(1) five who [~~(A) two of whom~~] must have expertise in the field of forensic science;

(2) [~~(B)~~] one who [~~of whom~~] must be a prosecuting attorney that the governor selects from a list of 10 names submitted by the Texas District and County Attorneys Association; and

(3) [~~(C)~~] one who [~~of whom~~] must be a defense attorney that the governor selects from a list of 10 names submitted by the Texas Criminal Defense Lawyers Association[+:

~~[(2) three members appointed by the lieutenant governor:~~

~~[(A) one of whom must be a faculty member or staff member of The University of Texas who specializes in clinical laboratory medicine selected from a list of 10 names submitted to the lieutenant governor by the chancellor of The University of Texas System;~~

~~[(B) one of whom must be a faculty member or staff member of Texas A&M University who specializes in clinical laboratory medicine selected from a list of 10 names submitted to the lieutenant governor by the chancellor of The Texas A&M University System;~~

~~[(C) one of whom must be a faculty member or staff member of Texas Southern University who has expertise in pharmaceutical laboratory research selected from a list of 10 names submitted to the lieutenant governor by the chancellor of Texas Southern University; and~~

~~[(3) two members appointed by the attorney general:~~

~~[(A) one of whom must be a director or division head of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database; and~~

~~[(B) one of whom must be a faculty or staff member of the Sam Houston State University College of Criminal Justice and have expertise in the field of forensic science or statistical analyses selected from a list of 10 names submitted to the lieutenant governor by the chancellor of Texas State University System].~~

(b) Each member of the commission serves a two-year term. The terms [~~term~~] of the members appointed under Subsection [~~Subsections~~] (a)(1) expire [~~and (2) expires~~] on September 1 of each even-numbered [~~odd-numbered~~] year. The terms [~~term~~] of the members appointed under Subsections (a)(2) and [~~Subsection~~] (a)(3) expire [~~expires~~] on September 1 of each odd-numbered [~~even-numbered~~] year.

SECTION _____. (a) Notwithstanding any other law, the terms of the members of the Texas Forensic Science Commission appointed under Subsections (a)(1)(A), (a)(2), and (a)(3), Section 3, Article 38.01, Code of Criminal Procedure, and serving on the effective date of this Act expire on the date the last appointment to the commission is made under Subsection (b) of this section.

(b) Not later than January 1, 2012, the governor shall appoint five members of the Texas Forensic Science Commission, as required by Subsection (a)(1), Section 3, Article 38.01, Code of Criminal Procedure, as amended by this Act.