HOUSE CONCURRENT RESOLUTION

1   WHEREAS, The DNA testing backlog in Texas is estimated to be

2 several thousand cases despite the investment of millions of

3 taxpayer dollars to expedite the process; moreover, evidence from

4 tens of thousands of rape cases has not even been submitted to the

5 crime lab for testing and is currently in police storage; and

6   WHEREAS, Law enforcement officials depend on DNA technology

7 to help identify the guilty and protect victims' rights to justice

8 and due process, but current FBI guidelines for forensic DNA

9 testing laboratories create significant obstacles to efficient DNA

10 testing; and

11   WHEREAS, Private laboratories must meet the exact same

12 accreditation and quality assurance standards as government-run

13 labs, yet the FBI requires that all private lab data also be

14 rechecked by public labs, even though no such independent review of

15 public lab data is required; and

16   WHEREAS, Often, the burden for public labs to verify private

17 lab data has resulted in a decision not to enter into public-private

18 partnerships, in spite of the fact that such partnerships could

19 substantially reduce the backlog of cases awaiting analysis; and

20   WHEREAS, The City of Los Angeles, whose public lab is perhaps

21 the largest user of private lab assistance, has testified that it

22 does not find any meaningful errors in its review of private lab

23 analyses that would justify the current requirement; and

24   WHEREAS, In order to remain competitive in the marketplace,

1 private labs perform testing at a substantially lower cost than

2 public labs and are constantly investing in improvements that go

3 above and beyond minimum accreditation standards; still, this

4 cost-effective resource is underutilized; and

5   WHEREAS, Creating guidelines that facilitate public-private

6 partnerships is an inexpensive way to reduce the backlog, bring

7 justice to victims, protect taxpayer dollars, and help law

8 enforcement officers do their job; now, therefore, be it

9   RESOLVED, That the 82nd Legislature of the State of Texas

10 hereby express support for the current FBI effort to reevaluate

11 existing policies, standards, and protocols for forensic DNA

12 testing laboratories, including the requirement that private lab

13 data be reviewed by public laboratories, and express its support

14 for any new policies, standards, and protocols that would hold

15 public and private labs to the same standards, audits, and review

16 process; and, be it further

17   RESOLVED, That the legislature respectfully urge the

18 Congress of the United States to pass any necessary federal

19 legislation that ensures continued quality in forensic science

20 while holding public and private lab DNA analysis to the same

21 standards, audits, and review process; and, be it further

22   RESOLVED, That the legislature further encourage Texas law

23 enforcement agencies at the state, county, and municipal levels to

24 use efficient forensic science review methods that will reduce and

25 eliminate DNA testing backlogs, thereby ensuring swift justice and

26 relief for the taxpayers in this state; and, be it further

27   RESOLVED, That the Texas secretary of state forward official

1 copies of this resolution to the president of the United States, to

2 the president of the Senate and the speaker of the House of

3 Representatives of the United States Congress, and to all the

4 members of the Texas delegation to Congress with the request that

5 this resolution be entered in the Congressional Record as a

6 memorial to the Congress of the United States of America.

Madden

_____   _____

      President of the Senate   Speaker of the House

      I certify that H.C.R. No. 42 was adopted by the House on May 3, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

                                  _____

                                  Chief Clerk of the House

      I certify that H.C.R. No. 42 was adopted by the Senate on May 23, 2011, by the following vote: Yeas 31, Nays 0.

                                  _____

                                  Secretary of the Senate

APPROVED: _____

                Date

       _____

             Governor