

By: Madden

H.C.R. No. 42

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

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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.