

1-1 By: Madden (Senate Sponsor - Williams) H.C.R. No. 42  
1-2 (In the Senate - Received from the House May 4, 2011;  
1-3 May 12, 2011, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 20, 2011, reported  
1-5 favorably by the following vote: Yeas 9, Nays 0; May 20, 2011, sent  
1-6 to printer.)

1-7 HOUSE CONCURRENT RESOLUTION

1-8 WHEREAS, The DNA testing backlog in Texas is estimated to be  
1-9 several thousand cases despite the investment of millions of  
1-10 taxpayer dollars to expedite the process; moreover, evidence from  
1-11 tens of thousands of rape cases has not even been submitted to the  
1-12 crime lab for testing and is currently in police storage; and

1-13 WHEREAS, Law enforcement officials depend on DNA technology  
1-14 to help identify the guilty and protect victims' rights to justice  
1-15 and due process, but current FBI guidelines for forensic DNA  
1-16 testing laboratories create significant obstacles to efficient DNA  
1-17 testing; and

1-18 WHEREAS, Private laboratories must meet the exact same  
1-19 accreditation and quality assurance standards as government-run  
1-20 labs, yet the FBI requires that all private lab data also be  
1-21 rechecked by public labs, even though no such independent review of  
1-22 public lab data is required; and

1-23 WHEREAS, Often, the burden for public labs to verify private  
1-24 lab data has resulted in a decision not to enter into public-private  
1-25 partnerships, in spite of the fact that such partnerships could  
1-26 substantially reduce the backlog of cases awaiting analysis; and

1-27 WHEREAS, The City of Los Angeles, whose public lab is perhaps  
1-28 the largest user of private lab assistance, has testified that it  
1-29 does not find any meaningful errors in its review of private lab  
1-30 analyses that would justify the current requirement; and

1-31 WHEREAS, In order to remain competitive in the marketplace,  
1-32 private labs perform testing at a substantially lower cost than  
1-33 public labs and are constantly investing in improvements that go  
1-34 above and beyond minimum accreditation standards; still, this  
1-35 cost-effective resource is underutilized; and

1-36 WHEREAS, Creating guidelines that facilitate public-private  
1-37 partnerships is an inexpensive way to reduce the backlog, bring  
1-38 justice to victims, protect taxpayer dollars, and help law  
1-39 enforcement officers do their job; now, therefore, be it

1-40 RESOLVED, That the 82nd Legislature of the State of Texas  
1-41 hereby express support for the current FBI effort to reevaluate  
1-42 existing policies, standards, and protocols for forensic DNA  
1-43 testing laboratories, including the requirement that private lab  
1-44 data be reviewed by public laboratories, and express its support  
1-45 for any new policies, standards, and protocols that would hold  
1-46 public and private labs to the same standards, audits, and review  
1-47 process; and, be it further

1-48 RESOLVED, That the legislature respectfully urge the  
1-49 Congress of the United States to pass any necessary federal  
1-50 legislation that ensures continued quality in forensic science  
1-51 while holding public and private lab DNA analysis to the same  
1-52 standards, audits, and review process; and, be it further

1-53 RESOLVED, That the legislature further encourage Texas law  
1-54 enforcement agencies at the state, county, and municipal levels to  
1-55 use efficient forensic science review methods that will reduce and  
1-56 eliminate DNA testing backlogs, thereby ensuring swift justice and  
1-57 relief for the taxpayers in this state; and, be it further

1-58 RESOLVED, That the Texas secretary of state forward official  
1-59 copies of this resolution to the president of the United States, to  
1-60 the president of the Senate and the speaker of the House of  
1-61 Representatives of the United States Congress, and to all the  
1-62 members of the Texas delegation to Congress with the request that  
1-63 this resolution be entered in the Congressional Record as a  
1-64 memorial to the Congress of the United States of America.

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