

By: Carona

S.B. No. 694

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Forensic Science Commission to conduct investigations of forensic analyses conducted in connection with a civil proceeding.

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

SECTION 1. Article 38.01, Code of Criminal Procedure, is amended by adding Section 4A to read as follows:

Sec. 4A. PERMISSIVE INVESTIGATION IN CIVIL PROCEEDINGS.

(a) Notwithstanding Section 2 of this article, for purposes of this section, "forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed for use in any civil proceeding.

(b) The commission may investigate an allegation of professional negligence or misconduct alleged by any person to have been committed by a laboratory, facility, or entity that conducts forensic analyses in preparation for a civil proceeding, including a proceeding under Title 1 or 5, Family Code, regardless of whether that laboratory, facility, or entity is accredited under Section 411.0205, Government Code, if the commission determines that:

(1) the alleged professional negligence or misconduct would substantially affect the integrity of the results of a forensic analysis; and

(2) the investigation is in the best interests of advancing forensic science in this state.

1 (c) If the commission conducts an investigation under this
2 section, the commission shall prepare a report that satisfies the
3 requirements for a report prepared under Section 4(b)(1).

4 SECTION 2. Section 7, Article 38.01, Code of Criminal
5 Procedure, is amended to read as follows:

6 Sec. 7. SUBMISSION. The commission shall submit any report
7 received under Section 4(a)(2) and any report prepared under
8 Section 4(b)(1) or 4A(c) to the governor, the lieutenant governor,
9 and the speaker of the house of representatives not later than
10 December 1 of each even-numbered year.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2013.