

By: Carona

S.B. No. 1728

A BILL TO BE ENTITLED

AN ACT

relating to forensic analysis and forensic evidence testimony in certain civil proceedings.

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

SECTION 1. Chapter 104, Family Code, is amended by adding Section 104.008 to read as follows:

Sec. 104.008. FORENSIC EVIDENCE TESTIMONY. (a) In this section, "analysis of forensic evidence" means a medical, chemical, toxicologic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a suit under this title. The term includes an examination or test requested by a party to a suit or by the court.

(b) In a suit under this title, a person may provide written or oral testimony related to the analysis of forensic evidence only if the person possesses at least a bachelor's degree in the chemical or biological sciences or in medical technology, or the equivalent, awarded by an accredited institution of higher education.

SECTION 2. (a) The Texas Forensic Science Commission shall conduct a study to evaluate standards for the analysis of forensic evidence, including testimony related to the assessment and interpretation of forensic evidence, presented in suits under Title 5, Family Code.

(b) Not later than December 1, 2014, the Texas Forensic

1 Science Commission shall complete the study conducted under this  
2 section and shall report the results of the study, together with any  
3 recommendations of the commission, to the lieutenant governor, the  
4 speaker of the house of representatives, and the presiding officers  
5 of the standing committees of each house of the legislature with  
6 primary jurisdiction over matters affecting the judiciary and civil  
7 jurisprudence.

8         SECTION 3. The change in law made by Section 104.008, Family  
9 Code, as added by this Act, applies to testimony taken on or after  
10 the effective date of this Act in a proceeding in a suit under Title  
11 5, Family Code, regardless of whether the suit commenced before,  
12 on, or after the effective date of this Act.

13         SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2013.