

## **BILL ANALYSIS**

S.B. 284  
By: Hinojosa  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that the Judicial Branch Certification Commission (JBCC) is the logical agency to conduct an independent hearing relating to professional misconduct by a licensed forensic analyst or a disciplinary action taken against such a license holder, as its purpose is to oversee the regulatory policies and certification of the professionals under its jurisdiction on behalf of the Office of Court Administration and the Supreme Court of Texas. S.B. 284 seeks to address this issue by providing for the establishment of the JBCC in this oversight role.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 284 amends the Code of Criminal Procedure to require the Texas Forensic Science Commission to give written notice by certified mail of a determination that a licensed forensic analyst has committed professional misconduct to the license holder who is the subject of the determination and sets out the required contents of the notice.

S.B. 284 authorizes such a license holder, not later than the 20th day after the date the license holder receives such notice, to request a hearing by submitting a written request to the Judicial Branch Certification Commission (JBCC). The bill establishes that if the license holder fails to timely submit the request, the commission's disciplinary action becomes final and is not subject to review by the JBCC. The bill requires the JBCC, if the license holder requests a hearing, to conduct a hearing to determine whether there is substantial evidence to support the determination that the license holder committed professional misconduct or violated a statute related to evidence in criminal actions or a commission rule or order. The bill requires the JBCC, if the JBCC uphold the determination, to determine the type of disciplinary action to be taken. The bill requires the JBCC to conduct the hearing in accordance with procedures provided by statutory provisions relating to JBCC administrative penalties and administrative sanctions, as applicable, and JBCC rules. The bill removes a provision establishing that disciplinary proceedings of the commission are governed by the Administrative Procedure Act and a requirement for a hearing relating to a disciplinary action by the commission to be conducted by an administrative law judge of the State Office of Administrative Hearings.

### **EFFECTIVE DATE**

September 1, 2019.