86R12432 AJZ-F

By:  Farrar H.B. No. 3554

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of certain forensic analyses and associated testimony regarding physical evidence in a criminal case.

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

SECTION 1.  Article 38.35(d)(1), Code of Criminal Procedure, is amended to read as follows:

(d)(1)  Except as provided by Subsection (e), a forensic analysis of physical evidence under this article and expert testimony relating to the evidence are not admissible in a criminal action if:

(A)  the analysis and testimony are presented by the state; and

(B)  [~~,~~] at the time of the analysis, the crime laboratory conducting the analysis was not accredited by the commission under Article 38.01.

SECTION 2.  Article 38.35, Code of Criminal Procedure, is amended by amending Subsection (e) and adding Subsection (g) to read as follows:

(e)  If presented by the state, a [~~A~~] forensic analysis of physical evidence under this article and expert testimony relating to that [~~the~~] evidence are not inadmissible in a criminal action based solely on the accreditation status of the crime laboratory conducting the analysis if the laboratory:

(A)  except for making proper application, was eligible for accreditation by the commission at the time of the examination or test; and

(B)  obtains accreditation from the commission before the time of testimony about the examination or test.

(g)  Evidence that a crime laboratory holds a certificate of accreditation issued by the commission under Article 38.01 is not admissible in a criminal action for the purpose of establishing the validity of a forensic analysis performed by the laboratory.

SECTION 3.  This Act takes effect September 1, 2019.