

By: Hinojosa
(Howard)

S.B. No. 284

A BILL TO BE ENTITLED

AN ACT

relating to disciplinary proceedings applicable to a licensed forensic analyst.

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

SECTION 1. Section 4-c, Article 38.01, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) The commission shall give written notice by certified mail of a determination described by Subsection (a) to a license holder who is the subject of the determination. The notice must:

(1) include a brief summary of the alleged misconduct or violation;

(2) state the disciplinary action taken by the commission; and

(3) inform the license holder of the license holder's right to a hearing before the Judicial Branch Certification Commission on the occurrence of the misconduct or violation, the imposition of disciplinary action, or both.

(d) Not later than the 20th day after the date the license holder receives the notice under Subsection (c), the license holder may request a hearing by submitting a written request to the Judicial Branch Certification Commission. If the license holder fails to timely submit a request, the commission's disciplinary action becomes final and is not subject to review by the Judicial

1 Branch Certification Commission.

2 (e) If the license holder requests a hearing, the Judicial
3 Branch Certification Commission shall conduct a hearing to
4 determine whether there is substantial evidence to support the
5 determination under Subsection (a) that the license holder
6 committed professional misconduct or violated this article or a
7 commission rule or order under this article. If the Judicial Branch
8 Certification Commission upholds the determination, the Judicial
9 Branch Certification Commission shall determine the type of
10 disciplinary action to be taken. The Judicial Branch Certification
11 Commission shall conduct the hearing in accordance with the
12 procedures provided by Subchapter B, Chapter 153, Government Code,
13 as applicable, and the rules of the Judicial Branch Certification
14 Commission. ~~[Disciplinary proceedings of the commission are~~
15 ~~governed by Chapter 2001, Government Code. A hearing under this~~
16 ~~section shall be conducted by an administrative law judge of the~~
17 ~~State Office of Administrative Hearings.]~~

18 SECTION 2. The change in law made by this Act applies only
19 to a disciplinary action taken on or after the effective date of
20 this Act. A disciplinary action taken before the effective date of
21 this Act is governed by the law in effect on the date the action was
22 taken, and the former law is continued in effect for that purpose.

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