

BILL ANALYSIS

Senate Research Center
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S.B. 991
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, crime laboratory records are managed independently through customized laboratory information management systems (LIMS) and other records management systems. Records are provided via the traditional paper-driven discovery process when requested by prosecutors and defense attorneys.

This process relies on affirmative requests for the transmission of information by criminal justice stakeholders and utilizes systems that lack the ability to communicate and an adequate infrastructure to accomplish this task in an efficient, timely, accurate, and complete manner.

As a result, issues with the existing process can potentially impact the production of exculpatory, impeachment, and mitigation evidence to authorized parties for use in court. The significance of having inadequate infrastructure to accomplish mandated obligations can have severe and avoidable consequences for all the affected parties involved in the criminal justice system.

S.B. 991 seeks to shift the paradigm to actively make relevant lab records available to stakeholders as content is created or modified. A new statewide crime laboratory portal will ensure key forensic laboratory records are made accessible seamlessly to those criminal justice partners who are responsible for accessing the information.

BILL DETAILS

- S.B. 991 requires the Department of Public Safety of the State of Texas to establish a central computerized laboratory portal that processes requests for records and transmits them among the appropriate parties.
- S.B. 991 clarifies that crime laboratories that perform forensic analysis for use in a criminal action must participate and are subject to disciplinary action by the Forensic Science Commission.
- The system would not serve as a repository for laboratory records for any entity. Records management and retention remain the responsibility of the participating crime laboratories.

As proposed, S.B. 991 amends current law relating to the establishment of a crime laboratory portal by the Department of Public Safety of the State of Texas.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety of the state of Texas in SECTION 1 (Section 411.162, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter G-1, as follows:

SUBCHAPTER G-1. CRIME LABORATORY PORTAL

Sec. 411.161. DEFINITIONS. Defines "crime laboratory," "criminal action," and "forensic analysis."

Sec. 411.162. CRIME LABORATORY PORTAL. Requires the Department of Public Safety of the State of Texas (DPS) by rule to establish and maintain a central computerized portal that facilitates the process for requesting crime laboratory records and for transferring those records among crime laboratories, attorneys representing the state, and parties authorized to access the records as a part of discovery under Article 39.14 (Discovery), Code of Criminal Procedure. Prohibits the portal from being used as a central repository for crime laboratory records.

Sec. 411.163. MANDATORY CRIME LABORATORY PARTICIPATION DISCIPLINARY ACTION. (a) Requires a crime laboratory that performs a forensic analysis for use in a criminal action to participate, in accordance with DPS rule, in the transfer of crime laboratory records using the crime laboratory portal established under Section 411.162.

(b) Provides that a crime laboratory that violates Subsection (a) is subject to disciplinary action by the Texas Forensic Science Commission in the same manner as if the laboratory had otherwise violated accreditation standards under Article 38.01 (Texas Forensic Science Commission), Code of Criminal Procedure.

Sec. 411.164. DEFENSE COUNSEL ACCESS TO CRIME LABORATORY PORTAL. Requires the attorney representing the state in a criminal action to ensure that the defendant or the defendant's attorney, as appropriate, is able to access and use the crime laboratory portal under Section 411.162 to request any crime laboratory records that are subject to discovery under Article 39.14, Code of Criminal Procedure.

SECTION 2. Effective date: September 1, 2023.