

By: Hinojosa

S.B. No. 991

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a crime laboratory portal by the Department of Public Safety of the State of Texas.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. CRIME LABORATORY PORTAL

Sec. 411.161. DEFINITIONS. In this subchapter, "crime laboratory," "criminal action," and "forensic analysis" have the meanings assigned by Article 38.35, Code of Criminal Procedure.

Sec. 411.162. CRIME LABORATORY PORTAL. The department by rule shall 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, Code of Criminal Procedure. The portal may not be used as a central repository for crime laboratory records.

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

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

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

13 SECTION 2. This Act takes effect September 1, 2023.