

By: Hinojosa

S.B. No. 1834

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to disciplinary proceedings applicable to a crime  
3 laboratory or license holder investigated by the Texas Forensic  
4 Science Commission.

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

6 SECTION 1. Sections 4-c(a), (c), (d), and (e), Article  
7 38.01, Code of Criminal Procedure, are amended to read as follows:

8 (a) On a determination by the commission that a license  
9 holder or crime laboratory has committed professional negligence or  
10 professional misconduct under this article, violated the code of  
11 professional responsibility under this article, or otherwise  
12 violated this article or a rule or order of the commission under  
13 this article, the commission may, as applicable:

14 (1) revoke or suspend the person's license or crime  
15 laboratory's accreditation;

16 (2) refuse to renew the person's license or crime  
17 laboratory's accreditation; or

18 (3) reprimand the license holder or crime laboratory.

19 (c) The commission shall give written notice by certified  
20 mail of a determination described by Subsection (a) to the  
21 applicable [a] license holder or crime laboratory [~~who is the~~  
22 ~~subject of the determination~~]. The notice must:

23 (1) include a brief summary of the alleged negligence,  
24 misconduct, or violation;

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

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

8           (d) Not later than the 20th day after the date the license  
9 holder or crime laboratory receives the notice under Subsection  
10 (c), the license holder or crime laboratory may accept the  
11 disciplinary action or request a hearing by submitting a written  
12 request to the Judicial Branch Certification Commission to contest  
13 the findings of fact or conclusions of law, the occurrence of the  
14 negligence, misconduct, or violation, or the imposition of a  
15 disciplinary action, as applicable. If the license holder or crime  
16 laboratory fails to timely submit a request, the commission's  
17 disciplinary action becomes final and is not subject to review by  
18 the Judicial Branch Certification Commission.

19           (e) If the license holder or crime laboratory requests a  
20 hearing, the Judicial Branch Certification Commission shall  
21 conduct a hearing to determine whether there is substantial  
22 evidence to support the determination under Subsection (a) that the  
23 negligence, misconduct, or violation occurred [~~license holder~~  
24 ~~committed professional misconduct or violated this article or a~~  
25 ~~commission rule or order under this article~~]. If the Judicial  
26 Branch Certification Commission upholds the determination, the  
27 Judicial Branch Certification Commission shall determine the type

1 of disciplinary action to be taken. The Judicial Branch  
2 Certification Commission shall conduct the hearing, and any appeal  
3 of that commission's decision, in accordance with the procedures  
4 provided by Subchapter B, Chapter 153, Government Code, as  
5 applicable, and the rules of the Judicial Branch Certification  
6 Commission.

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