

BILL ANALYSIS

Senate Research Center
89R6342 AJZ-F

S.B. 614
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Forensic Science Commission (FSC) is charged with ensuring the integrity of forensic science in the state. In 2015, the legislature passed S.B. 1743, which authorized FSC to refer cases to the Office of Capital and Forensic Writs (OCFW) for potential post-conviction relief where flawed or outdated forensic practices may have contributed to a conviction. Since 2020, when OCFW received legislative funding for this expanded mission, FSC has referred over 70 cases involving questionable forensic methods—including bitemark analysis, firearms examination, DNA interpretation, and more. OCFW currently represents seven clients in active litigation stemming from these referrals.

Under current law, FSC can only refer a case to OCFW if it is the subject of an active investigation. This limitation restricts FSC's ability to refer meritorious complaints that do not require further investigation due to prior findings and restricts their ability to maximize the use of public resources by avoiding duplicative investigations while still ensuring potential forensic issues are addressed.

S.B. 614 updates Section 4(h), Article 38.01, Code of Criminal Procedure, to allow FSC to review and refer cases that relate to an existing or past investigation, not just those currently under review.

As proposed, S.B. 614 amends current law relating to the authority of the Texas Forensic Science Commission to review and refer certain cases to the office of capital and forensic writs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 4(h), Article 38.01, Code of Criminal Procedure, as follows:

(h) Authorizes the Texas Forensic Science Commission to review and refer cases that relate to the subject matter of an investigation, rather than cases that are the subject of an investigation, under certain provisions to the Office of Capital and Forensic Writs (office) in accordance with Section 78.054(b) (relating to the actions and proceedings in which the office is authorized to represent a defendant), Government Code.

SECTION 2. Effective date: September 1, 2025.