

BILL ANALYSIS

Senate Research Center
89R24639 AJZ-F

C.S.S.B. 614
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Criminal Justice
4/29/2025
Committee Report (Substituted)

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 the 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to refer cases to the Office of Capital and Forensic Writs (OCFW) for potential post-conviction relief where flawed or outdated forensic practices may have contributed to a conviction.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, the 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, the FSC can only refer a case to OCFW if it is the subject of an active investigation. This limitation restricts the 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 of the Code of Criminal Procedure to allow the FSC to review and refer cases that cover the same subject matter as a previously published investigation, not just those currently under review.

C.S.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 (FSC) to review and refer 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, cases that meet certain criteria, including cases that are dismissed by FSC with an express referral to a previously published report that covers the same subject matter and is issued under certain provisions. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2025.