

BILL ANALYSIS

Senate Research Center
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S.B. 1124
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Misapplication of forensic science is the second most-common contributing factor to wrongful convictions, found in nearly half of all exoneration cases. The Texas Forensic Science Commission (FSC) is charged under Texas law with the critical task of improving the integrity and reliability of forensic science used in criminal courts.

FSC was established in 2005 as a "special item" in Sam Houston State University's (SHSU's) budget, as a result of two factors: (1) SHSU's acclaimed criminal justice program and experience supporting programs that provide direct service to the criminal justice community; and (2) to avoid creating a separate state agency when FSC was still in its infancy.

Though FSC is administratively attached to SHSU, it functions as an agency independent from both SHSU and The Texas State University System as a whole. Moving FSC from a "special item" in SHSU's budget to a more stable administrative support structure is vital.

S.B. 1124 administratively attaches FSC to the Office of Court Administration (OCA). FSC will remain independent from OCA in its investigative and rulemaking authority.

S.B. 1124 amends current law relating to the administrative attachment of the Texas Forensic Science Commission to the Office of Court Administration of the Texas Judicial System.

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 9, Article 38.01, Code of Criminal Procedure, as follows:

Sec. 9. New heading: ADMINISTRATIVE ATTACHMENT TO OFFICE OF COURT ADMINISTRATION. (a) Provides that the Texas Forensic Science Commission (FSC) is administratively attached to the Office of Court Administration of the Texas Judicial System (OCA), rather than to Sam Houston State University (SHSU).

(b) Requires OCA, rather than the Board of Regents of the Texas State University System (TSUS), to provide administrative support to FSC as necessary to enable FSC to carry out the purposes of this article.

(c) Provides that except as provided by Subsection (b), OCA does not have, rather than neither the Board of Regents of TSUS nor SHSU has, any authority or responsibility with respect to the duties of FSC under this article.

SECTION 2. Requires SHSU and OCA to adopt a memorandum of understanding (memorandum) to provide for the transfer of the administrative attachment of FSC to OCA, including certain necessary transfers, as soon as practicable after the effective date of this Act. Requires the memorandum of understanding to provide for the transfer to be completed not later than December 1, 2017.

SECTION 3. Effective date: September 1, 2017.