

ENGROSSED HOUSE
BILL NO. 1453

By: Nance of the House

and

Wilkerson of the Senate

(State Bureau of Investigation - amending 74 O.S.,
Section 150.37 - forensic laboratories -
exceptions)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 351, O.S.L.
2002 (74 O.S. Supp. 2002, Section 150.37), is amended to read as
follows:

Section 150.37 A. For purposes of this act:

1. "ASCLD/LAB" shall mean the American Society of Crime
Laboratory Directors/Laboratory Accreditation Board;

2. "ABFT" shall mean the American Board of Forensic Toxicology;

3. "Forensic laboratory" shall mean a laboratory operated by
the state or in counties with a population of less than two hundred
fifty thousand (250,000) persons, according to the latest Federal
Decennial Census, any unit of municipal, county, city or other local
government that examines physical evidence in criminal matters and
provides opinion testimony in a court of law in forensic disciplines
accredited by ASCLD/LAB;

4. "Technical peer review system" shall mean a system whereby
the case work by an employee of a forensic laboratory shall be
reviewed for technical correctness by a qualified peer;

5. "Proficiency testing program" shall mean a program whereby the competency of analysis and the quality of performance of a laboratory is evaluated by external testing; and

6. "Toxicology analysis" shall mean a laboratory analysis whereby biological samples are tested for alcohol and/or other toxic or intoxicating substances.

B. Effective January 1, 2003, all forensic laboratories as defined in this act shall have a technical peer review system sufficient to meet or exceed ASCLD/LAB accreditation standards.

This section shall not apply to:

1. Breath testing for alcohol;

2. Field testing, crime scene processing, crime scene evidence collection, and crime scene reconstruction; and

3. Laboratories that exclusively and solely perform forensic toxicology analysis. Such laboratories shall have a technical peer review system sufficient to meet or exceed either ASCLD/LAB or ABFT accreditation standards.

C. Effective January 1, 2004, all forensic laboratories as defined in this act shall have a proficiency testing program sufficient to meet or exceed ASCLD/LAB accreditation standards for such systems. This subsection shall not apply to:

1. Breath testing for alcohol;

2. Field testing, crime scene processing, crime scene evidence collection, and crime scene reconstruction; and

3. Laboratories that exclusively and solely perform forensic toxicology analysis. Such laboratories shall have a proficiency testing program sufficient to meet or exceed either ASCLD/LAB or ABFT accreditation standards.

D. Effective July 1, 2005, all forensic laboratories as defined in this act established or operating prior to that date shall be ASCLD/LAB accredited. The following exceptions shall apply:

1. County, municipal, city, or local government forensic laboratories with a full-time laboratory staff of less than ten persons;

2. Breath testing for alcohol;

~~2.~~ 3. Field testing, crime scene processing, crime scene evidence collection, and crime scene reconstruction; and

~~3.~~ 4. All forensic laboratories established on or after July 1, 2005, as defined in this act, shall be ASCLD/LAB accredited within two (2) years of establishment;

~~4.~~ 5. Forensic laboratories that exclusively and solely perform forensic toxicology analysis may meet this requirement by being either ASCLD/LAB accredited or ABFT accredited.

E. On or after July 1, 2005, testimony, results, reports, or evidence of forensics analysis produced on behalf of the prosecution in a criminal trial in forensic disciplines accredited by ASCLD/LAB shall be done by an ASCLD/LAB accredited forensic laboratory. This section shall not apply to:

1. County, municipal, city, or local government forensic laboratories with a full-time laboratory staff of less than ten persons;

2. Testimony, results, reports, or evidence of forensic analysis produced by a forensic laboratory established after July 1, 2005, and not yet required to be accredited as set forth in subsection D of this section;

~~2.~~ 3. Testimony, results, reports, or evidence of forensic analysis produced by a forensic laboratory prior to July 1, 2005. Such testimony, results, reports, or evidence need not be performed by an accredited forensic laboratory and may be produced or presented on behalf of the prosecution in a criminal trial after July 1, 2005, as long as the forensic analysis was produced prior to that date;

~~3.~~ 4. Testimony, results, reports, or evidence of breath testing for alcohol;

~~4.~~ 5. Testimony, results, reports, or evidence of field testing, crime scene processing, crime scene evidence collection, and crime scene reconstruction;

~~5.~~ 6. Testimony, results, reports, or evidence of forensic toxicology analysis performed by laboratories that exclusively and solely perform such forensic toxicology analysis. Such laboratories may produce and present such testimony, results, reports, or evidence if it is either ASCLD/LAB accredited or ABFT accredited; and

~~6.~~ 7. Testimony, results, reports, or evidence of forensic analysis in forensic disciplines which are optional for a laboratory seeking ASCLD/LAB accreditation.

Passed the House of Representatives the 25th day of February, 2003.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2003.

Presiding Officer of the Senate