

ENROLLED HOUSE  
BILL NO. 1802

By: Askins and Nance of the  
House

and

Helton of the Senate

An Act relating to the Oklahoma State Bureau of Investigation; amending Section 3, Chapter 351, O.S.L. 2002 (74 O.S. Supp. 2002, Section 150.37), which relates to forensic laboratories; adding certain definition; exempting certain tests and identification methods from certain accreditation standards; exempting certain testimony and other evidence based on certain tests and identification methods from certain foundation requirement; and declaring an emergency.

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 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; and

7. "IAI" shall mean the International Association for Identification.

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, searches, examinations or enhancements of digital evidence, and crime scene reconstruction; ~~and~~

3. Latent print identification performed by an IAI certified latent print examiner;

4. Marihuana identification using methods generally accepted in the forensic field that are approved by a forensic laboratory accredited by ASCLD/LAB in controlled substances; and

5. 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, searches, examinations or enhancements of digital evidence, and crime scene reconstruction; ~~and~~

3. Latent print identification performed by an IAI certified latent print examiner;

4. Marihuana identification using methods generally accepted in the forensic field that are approved by a forensic laboratory accredited by ASCLD/LAB in controlled substances; and

5. 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. Breath testing for alcohol;

2. Field testing, crime scene processing, crime scene evidence collection, searches, examinations or enhancements of digital evidence, and crime scene reconstruction; ~~and~~

3. Latent print identification performed by an IAI certified latent print examiner;

4. Latent print identification performed by a latent print examiner not yet eligible for IAI certification in latent prints, provided they achieve IAI certification within six (6) months of first eligibility;

5. Marihuana identification using methods generally accepted in the forensic field that are approved by a forensic laboratory accredited by ASCLD/LAB in controlled substances;

6. 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; and

~~4.~~ 7. 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. 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. 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. Testimony, results, reports, or evidence of breath testing for alcohol;

4. Testimony, results, reports, or evidence of field testing, crime scene processing, crime scene evidence collection, searches, examinations or enhancements of digital evidence, and crime scene reconstruction;

5. Testimony, results, reports, or evidence of latent print identification performed by an IAI certified latent print examiner;

6. Testimony, results, reports, or evidence of latent print identification performed by a latent print examiner not yet eligible for IAI certification in latent prints, provided they achieve IAI certification within six (6) months of first eligibility;

7. Testimony, results, reports, or evidence of marihuana identification using methods generally accepted in the forensic field that are approved by a forensic laboratory accredited by ASCLD/LAB in controlled substances;

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 1st day of May, 2003.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 16th day of April, 2003.

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Presiding Officer of the Senate