

EHB 1802

THE STATE SENATE
Thursday, March 27, 2003

ENGROSSED

House Bill No. 1802

As Amended

ENGROSSED HOUSE BILL NO. 1802 - By: ASKINS and NANCE of the House
and HELTON of the Senate.

[Oklahoma State Bureau of Investigation - amending 74 O.S.,
Section 150.37 - Forensic Laboratory Accreditation Act -
emergency]

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;

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

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

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

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

13 This section shall not apply to:

14 1. Breath testing for alcohol;

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

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

21 C. Effective January 1, 2004, all forensic laboratories as
22 defined in this act shall have a proficiency testing program

1 sufficient to meet or exceed ASCLD/LAB accreditation standards for
2 such systems. This subsection shall not apply to:

- 3 1. Breath testing for alcohol;
- 4 2. Field testing, crime scene processing, crime scene evidence
5 collection, and crime scene reconstruction; ~~and~~
- 6 3. Fingerprint examinations;
- 7 4. Minor drug analysis; and
- 8 5. Laboratories that exclusively and solely perform forensic
9 toxicology analysis. Such laboratories shall have a proficiency
10 testing program sufficient to meet or exceed either ASCLD/LAB or
11 ABFT accreditation standards.

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

- 15 1. Breath testing for alcohol;
- 16 2. Field testing, crime scene processing, crime scene evidence
17 collection, and crime scene reconstruction; ~~and~~
- 18 3. All forensic laboratories established on or after July 1,
19 2005, as defined in this act, shall be ASCLD/LAB accredited within
20 two (2) years of establishment; and
- 21 4. Forensic laboratories that exclusively and solely perform
22 forensic toxicology analysis may meet this requirement by being
23 either ASCLD/LAB accredited or ABFT accredited.

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

6 1. Testimony, results, reports, or evidence of forensic
7 analysis produced by a forensic laboratory established after July 1,
8 2005, and not yet required to be accredited as set forth in
9 subsection D of this section;

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

17 3. Testimony, results, reports, or evidence of breath testing
18 for alcohol;

19 4. Testimony, results, reports, or evidence of field testing,
20 crime scene processing, crime scene evidence collection, and crime
21 scene reconstruction;

22 5. Testimony, results, reports, or evidence of forensic
23 toxicology analysis performed by laboratories that exclusively and

1 solely perform such forensic toxicology analysis. Such laboratories
2 may produce and present such testimony, results, reports, or
3 evidence if it is either ASCLD/LAB accredited or ABFT accredited;
4 and

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
13 PUBLIC SAFETY, dated 3-24-03 - DO PASS, As Amended.