

SB 609

THE STATE SENATE
Thursday, February 13, 2003

Senate Bill No. 609
As Amended

SENATE BILL NO. 609 - By: HELTON of the Senate and ASKINS of the House.

[forensic laboratories - removing standards of accreditation - effective date - 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. 2. "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;

1 ~~5.~~ 3. "Proficiency testing program" shall mean a program
2 whereby the competency of analysis and the quality of performance of
3 a laboratory is evaluated by external testing; and

4 ~~6.~~ 4. "Toxicology analysis" shall mean a laboratory analysis
5 whereby biological samples are tested for alcohol and/or other toxic
6 or intoxicating substances.

7 B. Effective January 1, 2003, all forensic laboratories as
8 defined in this act shall have a technical peer review system
9 sufficient to ~~meet or exceed ASCLD/LAB accreditation standards~~
10 evaluate the overall case work of each analyst. The quantity of
11 cases reviewed should be not less than twenty percent (20%).

12 This ~~section~~ subsection shall not apply to:

13 1. Breath testing for alcohol; and

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

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

20 C. Effective January 1, 2004, all forensic laboratories as
21 defined in this act shall have a proficiency testing program
22 sufficient to ~~meet or exceed ASCLD/LAB accreditation standards for~~
23 ~~such systems~~ test the competency of each analyst in each forensic

1 discipline in which case work is being performed. This subsection
2 shall not apply to:

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

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

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

22 ~~E. On or after July 1, 2005, testimony, results, reports, or~~
23 ~~evidence of forensics analysis produced on behalf of the prosecution~~

1 ~~in a criminal trial in forensic disciplines accredited by ASCLD/LAB~~
2 ~~shall be done by an ASCLD/LAB accredited forensic laboratory. This~~
3 ~~section shall not apply to:~~

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

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

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

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

20 ~~5. Testimony, results, reports, or evidence of forensic~~
21 ~~toxicology analysis performed by laboratories that exclusively and~~
22 ~~solely perform such forensic toxicology analysis. Such laboratories~~
23 ~~may produce and present such testimony, results, reports, or~~

1 ~~evidence if it is either ASCLD/LAB accredited or ABFT accredited;~~
2 and

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

6 SECTION 2. This act shall become effective July 1, 2003.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
12 PUBLIC SAFETY, dated 2-10-03 - DO PASS, As Amended and Coauthored.