

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3134

 By: Ritze of the House

5 and

6 Brecheen of the Senate

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8
9 AS INTRODUCED

10 An Act relating to state government; amending 74 O.S.
11 2011, Section 150.37, which relates to forensic
12 laboratories; modifying and adding certain terms; and
13 providing an effective date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.37, is
17 amended to read as follows:

18 Section 150.37 A. For purposes of this act:

19 1. "ABFT" shall mean the American Board of Forensic Toxicology,
20 an accrediting body for toxicology;

21 2. "Accredited" shall mean recognized formally by an
22 accrediting body as meeting or exceeding applicable quality
23 standards;

1 3. "Accrediting body" shall mean ~~a nationally~~ an
2 internationally recognized organization that has developed and
3 maintained an independent system, based upon ISO/IEC 17025 or 17020
4 standards, for providing ~~laboratories with~~ an impartial review of
5 ~~laboratory~~ operations and ~~that provides~~ formal recognition ~~or~~
6 ~~certification to~~ of laboratories or agencies who demonstrate
7 continued compliance with ~~those~~ the applicable standards and ~~other~~
8 supplemental ~~forensic standards which are~~ accreditation requirements
9 specific to the ~~maintenance and~~ testing or inspection of forensic
10 evidence;

11 4. ~~"ISO/IEC 17025" shall mean the International Organization of~~
12 ~~Standards/International Electrotechnical Commission standard 17025~~
13 ~~that is published by the International Organization for~~
14 ~~Standardization and the International Electrotechnical Commission~~
15 ~~and included as a standard in general requirements for the~~
16 ~~competence of testing and calibration laboratories;~~

17 5. "Forensic laboratory" shall mean a laboratory operated by
18 the state or any unit of municipal, county, city or other local
19 government that examines physical evidence in criminal matters and
20 reports results or provides ~~opinion~~ testimony in a court of law;

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

1 ~~7.~~ 5. "IAI" shall mean the International Association for
2 Identification; and

3 ~~8.~~ 6. "Internationally recognized" shall mean an accrediting
4 body which is recognized by the International Laboratory
5 Accreditation Cooperation (ILAC) and is a current Mutual Recognition
6 Agreement (MRA) signatory with a scope of recognition that
7 encompasses the accreditation earned by the laboratory or agency;

8 7. "ISO/IEC 17020" shall mean the International Standard 17020
9 published by the International Organization for Standardization
10 (ISO) and the International Electrotechnical Commission (IEC), which
11 was published for conformity assessment and contains requirements
12 for the operation of various type of bodies performing inspection;

13 8. "ISO/IEC 17025" shall mean the International Standard 17025
14 published by the International Organization for Standardization and
15 the International Electrotechnical Commission, which contains
16 general requirements for the competence of testing and calibration
17 laboratories;

18 9. "Supplemental ~~forensic standards~~ accreditation requirements"
19 shall mean additional requirements specifically related to
20 ~~maintenance and analysis~~ testing or inspection of forensic evidence
21 required in addition to the calibration and testing requirements of
22 ~~ISO/IEC 17025 standards~~ those in the relevant International Standard
23 (ISO/IEC 17025 or ISO/IEC 17020); and

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

4 B. Effective July 1, 2005, all forensic laboratories as defined
5 in this act established or operating prior to that date shall be
6 accredited. The following exceptions shall apply:

7 1. Breath testing for alcohol;

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

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

13 4. Marihuana identification using methods generally accepted in
14 the forensic field that are approved by a forensic laboratory
15 accredited in controlled substances;

16 5. All forensic laboratories established on or after July 1,
17 2005, as defined in this act, shall be accredited within two (2)
18 years of establishment; and

19 6. Forensic laboratories that exclusively and solely perform
20 forensic toxicology analysis may meet this requirement by being
21 either accredited through an accrediting body as defined in this
22 section or accredited by ABFT.

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

1 in a criminal trial shall be done by an accredited forensic
2 laboratory. This section shall not apply to:

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

7 2. Testimony, results, reports, or evidence of forensic
8 analysis produced by a forensic laboratory prior to July 1, 2005.

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

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

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

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

23 6. Testimony, results, reports, or evidence of marihuana
24 identification using methods generally accepted in the forensic

1 field that are approved by a forensic laboratory accredited in
2 controlled substances.

3 SECTION 2. This act shall become effective November 1, 2018.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/15/2018 -
6 DO PASS, As Coauthored.
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