

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3134

By: Ritze

AS INTRODUCED

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

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

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

Section 150.37 A. For purposes of this act:

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

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

3. "Accrediting body" shall mean ~~a nationally~~ an internationally recognized organization that has developed and maintained an independent system, based upon ISO/IEC 17025 or 17020 standards, for providing ~~laboratories with~~ an impartial review of

1 ~~laboratory~~ operations and ~~that provides~~ formal recognition ~~or~~
2 ~~certification to~~ of laboratories or agencies who demonstrate
3 continued compliance with ~~these~~ the applicable standards and ~~other~~
4 supplemental ~~forensic standards which are~~ accreditation requirements
5 specific to the ~~maintenance and~~ testing or inspection of forensic
6 evidence;

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

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

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

20 7. 5. "IAI" shall mean the International Association for
21 Identification; ~~and~~

22 8. 6. "Internationally recognized" shall mean an accrediting
23 body which is recognized by the International Laboratory
24 Accreditation Cooperation (ILAC) and is a current Mutual Recognition

1 Agreement (MRA) signatory with a scope of recognition that
2 encompasses the accreditation earned by the laboratory or agency;

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

8 8. "ISO/IEC 17025" shall mean the International Standard 17025
9 published by the International Organization for Standardization and
10 the International Electrotechnical Commission, which contains
11 general requirements for the competence of testing and calibration
12 laboratories;

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

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

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

1 1. Breath testing for alcohol;

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

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

7 4. Marihuana identification using methods generally accepted in
8 the forensic field that are approved by a forensic laboratory
9 accredited in controlled substances;

10 5. All forensic laboratories established on or after July 1,
11 2005, as defined in this act, shall be accredited within two (2)
12 years of establishment; and

13 6. Forensic laboratories that exclusively and solely perform
14 forensic toxicology analysis may meet this requirement by being
15 either accredited through an accrediting body as defined in this
16 section or accredited by ABFT.

17 C. On or after July 1, 2005, testimony, results, reports, or
18 evidence of forensics analysis produced on behalf of the prosecution
19 in a criminal trial shall be done by an accredited forensic
20 laboratory. This section shall not apply to:

21 1. Testimony, results, reports, or evidence of forensic
22 analysis produced by a forensic laboratory established after July 1,
23 2005, and not yet required to be accredited as set forth in
24 subsection B of this section;

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

8 3. Testimony, results, reports, or evidence of breath testing
9 for alcohol;

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

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

17 6. Testimony, results, reports, or evidence of marihuana
18 identification using methods generally accepted in the forensic
19 field that are approved by a forensic laboratory accredited in
20 controlled substances.

21 SECTION 2. This act shall become effective November 1, 2018.

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