



TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

1700 North Congress Ave., Suite 445
Austin, Texas 78701

LABORATORY LICENSE FOR DE MINIMIS TEXAS CASEWORK CERTIFICATION FORM

A laboratory may apply to the Commission for a *De Minimis* Texas Casework License on behalf of its laboratory personnel. The Commission may grant a *De Minimis* Texas Casework License to a laboratory that demonstrates its Texas casework constitutes less than 10% of its overall volume of casework during the five calendar years preceding the application (calculated as a rolling average) for each individual laboratory site or location.

A laboratory *De Minimis* Texas Casework License and corresponding analyst or technician licenses are granted for a period of two (2) years. A laboratory may renew its *De Minimis* license up to 90 days prior to the expiration of the license period by filling out this form and submitting it for approval by our Licensing Advisory Committee and/or the Commission Director or Designee.

Employees at a qualifying *De Minimis* Texas Casework laboratory are categorized by the Commission as either non-interpreting analysts or technicians and interpreting analysts.

“Interpreting analyst” means, however named, an analyst that uses his or her scientific expertise and judgment to interpret data resulting from an expert examination or test and provides information to the trier of fact either by signing a report or testifying in a criminal action. Interpreting analysts have significant decision-making authority regarding the progress, evaluation, and conclusion of forensic analyses and are qualified to both perform independent casework and technically review the work of other analysts. An interpreting analyst exercises judgment in casework and may be called to testify regarding the results of a forensic analysis, including not only the steps involved in the physical processing of the evidence, but also the potential significance of information obtained from the examination or test.

All interpreting analysts shall be fully licensed by the Commission pursuant to the qualifications listed in the Commission’s licensing rules in [Texas Administrative Code §651.207](#).

Non-interpreting analysts are required to:

- (1) work under the supervision of a fully licensed forensic analyst when performing work for Texas criminal cases;
- (2) read and understand the Commission’s [Code of Professional Responsibility](#);
- (3) complete all [training materials](#) related to *Brady v. Maryland* discovery obligations and the Michael Morton Act (Code of Criminal Procedure, Article 39.14) as provided by the Commission; and
- (4) participate in the Mandatory Legal and Professional Responsibility Training sponsored by the Commission (as available).

Where the scope of an individual licensed under the *De Minimis* Texas Casework License changes to include interpreting analyst activities, the employing laboratory must notify the Commission within seven (7) days of the change, and the licensee must apply to become fully licensed before performing interpreting analyst activities.

Laboratories are invoiced a *de minimis* license fee of \$200 per 10 non-interpreting analyst licenses and [regular forensic analyst license fees](#) for interpreting analysts calculated using the list of employees you attach to this form.

Instructions for Non-interpreting Analysts:

Laboratory fills out the Non-interpreting analyst spreadsheet found on our website here:
<https://txcourts.gov/fsc/licensing/de-minimis-texas-casework-license/>

Instructions for Interpreting Analysts:

https://txcourts.gov/media/1444938/regular-application-instructions_101019_v1.pdf

LABORATORY CERTIFICATION

DATE:

LABORATORY NAME:

LABORATORY LOCATION (CITY/STATE):

LABORATORY CERTIFYING OFFICIAL:

The laboratory's Texas casework constitutes less than 10% of its overall volume of casework during the five calendar years preceding the application (calculated as a rolling average for each individual laboratory site or location).

Please describe below your laboratory's volume of casework compared to Texas casework completed by the laboratory during the five preceding calendar years. In the absence of historical data, please describe the best available data. Attach additional pages as necessary.

NON-INTERPRETING ANALYSTS

Please list all non-interpreting analysts to be licensed under the laboratory's *de minimis* Texas Casework License. Please indicate the employee's full name, job title and forensic discipline pursuant to the Commission's license categories found [here](#). You may attach a spreadsheet of employees.

INTERPRETING ANALYSTS

Please list all interpreting analysts applying for full licensure that are employed by the laboratory. Please indicate the employee's full name, job title and forensic discipline pursuant to the Commission's license categories found [here](#). You may attach a spreadsheet of employees.

Please list below the names of employees who were previously covered under your current blanket license but have departed employment with you laboratory.

LABORATORY DE MINIMIS LICENSE CERTIFICATION

I certify the information included in this form is true and correct. I certify that the laboratory performs Texas casework that constitutes less than 10% of its overall volume of casework calculated over the five calendar years preceding this application. I certify that the non-interpreting employees listed in this certification form work under the supervision of a fully licensed forensic analyst when performing work for Texas criminal cases, have read and understand the Commission’s [Code of Professional Responsibility](#), completed all [training materials](#) related to *Brady v. Maryland* discovery obligations and the Michael Morton Act (Code of Criminal Procedure, Article 39.14), and participated in the Mandatory Legal and Professional Responsibility Training sponsored by the Commission (as available).

Laboratory Name

Laboratory Representative Printed Name

Laboratory Representative Signature

Date

Please submit this form to licensing@fsc.texas.gov for review and approval.