

# TEXAS FORENSIC SCIENCE COMMISSION

*Justice Through Science*

TENTH ANNUAL REPORT  
December 2020–November 2021



**TEXAS FORENSIC SCIENCE COMMISSION**  
**TENTH ANNUAL REPORT**  
**TABLE OF CONTENTS**

<b>I.</b>	<b>Introduction and Background</b> .....	3
<b>II.</b>	<b>Forensic Science Commission Members and Budget</b> .....	4
	<i>A. Appointments to Date</i>	
	<i>B. Annual Budget</i>	
<b>III.</b>	<b>Summary of Complaints and Disclosures</b> .....	5
	<i>A. Complaint/Disclosure Tally</i>	
	<i>B. Complaint/Disclosure Screening Process</i>	
<b>IV.</b>	<b>Summary of Pending Complaint and Disclosure Investigations and Reports</b> .....	7
	<i>A. Pending Complaints</i>	
	<i>B. Pending Disclosures</i>	
	<i>C. Final Investigative Reports</i>	
<b>V.</b>	<b>Forensic Analyst Licensing Developments</b>	
	<i>A. Voluntary Licensure</i>	
	<i>B. General Forensic Analyst Licensing Exam II</i>	
<b>VI.</b>	<b>Forensic Development/Training Initiatives</b>	
	<i>A. Trainings</i>	
	<i>B. Presentations/Forensic Development</i>	
<b>VII.</b>	<b>Additional Items Required in Annual Report by Statute</b> .....	12
	<i>A. Accreditation Update</i>	
	<i>B. Forensic Analysis Definition</i>	
	<i>C. Developments in Forensic Science Made or Used in Other State or Federal Investigations and the Activities of the Commission with Respect to Those Developments.</i>	
	<i>D. Other Relevant Information</i>	

**EXHIBIT LIST**

<b>Exhibit A</b>	<b>Copy of Texas Code of Criminal Procedure Article 38.01</b>
<b>Exhibit B</b>	<b>FY2022 Budget Plan</b>
<b>Exhibit C</b>	<b>Complaint/Disclosure Spreadsheet</b>

## **I. Introduction and Background**

This report covers Commission activities from December 1, 2020, through November 30, 2021. The Commission is administratively attached to the Office of Court Administration which publishes an annual report that includes a section on the Forensic Science Commission. Copies of the Office of Court Administration's annual reports can be found [here](#).

The Texas Legislature created the Commission during the 79<sup>th</sup> Legislative Session by passing House Bill 1068. HB 1068 amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the Commission. The Commission is required to investigate allegations of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a crime laboratory. The Legislature also requires the Commission to develop and implement a reporting system through which accredited crime laboratories report professional negligence or misconduct. During subsequent legislative sessions, the Texas Legislature further amended the Code of Criminal Procedure to clarify and expand the Commission's jurisdictional responsibilities to include oversight of the State's crime laboratory accreditation and forensic analyst licensing programs. The 87<sup>th</sup> Legislature Texas further required the Commission to adopt and publish a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities subject to the Commission's jurisdiction. The Commission is also actively engaged in various forensic development initiatives and works collaboratively with stakeholders in the criminal justice system to improve education and training in forensic science and the law. For a complete historical perspective on the creation and evolution of the Commission, please see Section II of the Commission's first annual report, which may be obtained on the Commission's website or by emailing Commission staff at [info@fsc.texas.gov](mailto:info@fsc.texas.gov).

## II. Forensic Science Commission Members and Budget

### A. Appointments to Date

To date, the FSC has had 33 different Commissioners and currently has 5 full-time staff members. Following is a table providing appointment and expiration dates for current members as of November 30, 2021, as well as the basis for each appointment.

<b>Current Members</b>	<b>Original Appointment</b>	<b>Basis for Appointment</b>	<b>Expiration Date</b>
Jeffrey Barnard, MD <i>Presiding Officer</i>	10/31/2011	University of Texas Faculty (Dallas) Art 38.01, Section 3(a)(4)	09/01/2021
Bruce Budowle, Ph.D.	11/28/2016	UNTHSC/CHI Director— Missing Persons DNA (Fort Worth) Article 38.01, Section 3(a)(7)	09/01/2022
Patrick Buzzini, Ph.D.	04/04/2019	Sam Houston State University Faculty (Huntsville) Article 38.01. Section 3(a)(8)	09/01/2022
Mark Daniel, J.D.	11/28/2016	TCDLA—Defense Counsel (Fort Worth) Article 38.01, Section 3(a)(3)	09/01/2021
Nancy Downing, Ph.D.	11/28/2016	Texas A&M Faculty (College Station) Article 38.01, Section 3(a)(5)	09/01/2022
Jasmine Drake, Ph.D.	11/28/2016	Texas Southern University Faculty (Houston) Article 38.01, Section 3(a)(6)	09/01/2022
Michael Coble, Ph.D.	11/19/2020	Forensic Science Expertise (Biology/DNA) (Fort Worth) Article 38.01, Section 3(a)(1)	09/01/2021

Sarah Kerrigan, Ph.D.	11/28/2016	Forensic Science Expertise (Toxicology) (The Woodlands) Article 38.01, Section 3(a)(1)	09/01/2021
Jarvis Parsons, J.D.	11/28/2016	TDCAA--Prosecutor (Brazos County) Article 38.01, Section 3(a)(2).	09/01/2021

## **B. Annual Budget**

The FSC's FY 2022 annual budget is \$768,912 (\$553,996 (general revenue) with \$214,916 currently available in collected licensing program fees). A copy of the FSC's projected budget for FY 2022 is attached as **Exhibit B**. The Commission will dedicate funds to the following critical priorities during FY2022: (1) funding of staff salary and overhead; (2) complaint and disclosure investigative activities; (3) management and administration of the laboratory accreditation program; (4) management and administration of the forensic analyst licensing program; (5) discipline-specific reviews and related training and forensic education initiatives; (6) forensic development, including collaboration with the National Institute of Science and Technologies Organization of Scientific Area Committees (OSAC) on implementing OSAC Registry standards in Texas; and (7) collaborative training projects with the Texas Court of Criminal Appeals. **Exhibit B** provides a breakdown of projected costs in major categories.

## **III. Summary of Complaints and Disclosures**

### **A. Complaint/Disclosure Tally**

Commission staff receives complaints from a range of sources, including but not limited to attorneys (both defense and prosecution), current inmates and their families/friends, national advocacy groups, former laboratory employees, other laboratories and interested members of the public. The Commission relies upon accredited crime laboratories, attorneys and interested members of the public to bring issues of concern to the Commission's attention. For a complete

summary of the Commission's investigative jurisdiction, please see Section II of the Commission's seventh annual report.

To date, the Commission has received a total of 334 complaints and 152 self-disclosures, and has disposed of 474 complaints and self-disclosures, either through dismissal, investigation and release of a report, and/or referral to another agency. Of the 486 complaints and self-disclosures received, 57 were received from December 1, 2020, through November 30, 2021. The Commission currently has 11 open complaints/self-disclosures, including 8 active investigations. For a complete spreadsheet detailing the disposition and status of each complaint and self-disclosure, *see Exhibit C*.

### **B. Complaint/Disclosure Screening Process**

The Commission's Complaint and Disclosure Screening Committee conducts an initial review of complaints and disclosures before each meeting as necessary. After discussion, the Committee makes a recommendation on what further action, if any, is merited for each complaint or self-disclosure received. The Committee's opinion is presented to the full Commission for consideration and deliberation during the quarterly meeting.

The Commission reviews allegations of professional negligence or misconduct for those cases involving accredited crime laboratories and accredited forensic disciplines only. For cases involving unaccredited disciplines, the Commission may accept the complaint and issue a report when the Commission determines the review would be an effective use of public resources and is likely to benefit the criminal justice system in Texas. Many complaints are dismissed because they do not satisfy these criteria. Other complaints are dismissed because they lack fundamental information or fail to state an actual complaint regarding forensic analysis as that term is defined in the Texas Code of Criminal Procedure. Finally, the Commission must dismiss any complaint

involving the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. *See* TEX. CODE CRIM. PROC. 38.01, § 2(4).

#### **IV. Summary of Pending Complaint and Disclosure Investigations and Final Reports Issued from December 1, 2020, to November 30, 2021.**

##### **A. Pending Complaints**

Five complaints and three self-disclosures are currently pending investigation and/or release of a final report by the Commission: (1) a complaint by the Philadelphia, PA District Attorney's office, alleging the forensic analysis of a sexual assault survivor's hair sample by Expertox was not scientifically reliable; (2) a complaint filed by the University of Colorado Boulder School of Law Criminal Defense Clinic and the National Innocence Project, on behalf of Nanon Williams, alleging misidentification of the caliber of a fired projectile recovered from a murder victim at autopsy and seeking the Commission's guidance regarding the scope of analysis, reporting and testimony for firearm/toolmark examination; (3) a complaint by the Harris County Public Defender's Office on behalf of defendant Timothy Schmidt, alleging Dr. Melba Ketchum committed misconduct when she testified in a criminal case regarding the results of canine DNA analysis because the laboratory was not accredited; (4) a complaint filed by defendant Damon Lewis alleging false and incorrect testimony by a SANE at his child sexual abuse trial; (5) a complaint by defendant James Smiley alleging misconduct in the forensic analysis conducted in his sexual assault case.

##### **B. Pending Disclosures**

The Commission is currently investigating a self-disclosure by NMS Labs reporting an incident in its seized drugs section where, during qualification of a new GCMS instrument for hemp-marihuana differentiation, the laboratory noted higher rates of CBD to THC conversion than during the original validation. The Commission is also investigating a self-disclosure and supplemental self-disclosure by the Fort Worth Police Department Crime Laboratory reporting an



incident in its forensic biology section where the forensic biology section supervisor reported to quality management that the laboratory hired an analyst who provided false information regarding the satisfaction of coursework requirements on her application for employment.

Copies of final reports in the complaints and disclosures described above will be published on the Commission's website.

### **C. Final Investigative Reports**

During this reporting period, the Commission approved seven investigative reports related to the following matters: (1) a complaint by DNA consultant, Dr. Robert Collins, alleging a DPS – Houston DNA analyst falsely reported an inconclusive result that should have been an exclusion in a capital murder trial; (2) a self-disclosure by Signature Science, LLC involving professional misconduct by an evidence technician where the technician misrepresented that she opened a sexual assault kit to check for blood evidence and further revised chain-of-custody documentation; (3) a self-disclosure by the Department of Public Safety Austin regional laboratory reporting an incident in its trace evidence section where a licensed materials (trace) analyst lost a hair sample for potential DNA analysis during transfer of the evidentiary items from glass slides used during analysis to storage containers and subsequently falsified the record by renumbering the evidentiary items to make it appear as if the hair had not been lost; (4) a complaint by a former DNA analyst alleging numerous violations of federal and state criminal laws, accreditation standards and laboratory policies regarding confirmation of evidence consumption in DNA cases and related issues; (5) a self-disclosure by Department Public Safety Austin reporting an incident in the laboratory's seized drugs section where an analyst trainee copied the answers from another person's assessment materials and submitted them as his own during his new employee training process; (6) a complaint by the Webb County Public Defender's Office alleging problems with Armstrong Forensic Laboratory's use of Gas Chromatography with Dual Flame Ionization

Detection (GC-FID) to quantify the concentration of Delta 9 Tetrahydrocannabinol (Delta 9 THC) in five samples of plant materials in a criminal case in Webb County; and finally (7) a self-disclosure by the Southwestern Institute of Forensic Sciences reporting an incident in its firearms section where an analyst made changes to contemporaneously recorded values and observations in thirteen cases and three proficiency tests using erasable ink and then provided false and misleading information when asked about the changes.

Copies of all final investigative reports may be found on the Commission's website [here](#).

## **V. Forensic Analyst Licensing Developments**

### **A. Voluntary Licensure**

Pursuant to its forensic analyst licensing authority in Code of Criminal Procedure §4-a, the Commission may by rule establish voluntary licensing programs for forensic examinations or tests not subject to mandatory accreditation and licensing requirements. At its October 21, 2022, meeting, the Commission's Licensing Advisory Committee proposed draft requirements for voluntary licensure in the disciplines Document Examination, Digital/Multimedia Evidence, Latent Print Examination and Processing, Forensic Anthropology, and Crime Scene Reconstruction and Investigation. Requirements include traditional degree requirements, specific college-level courses, the general forensic analyst licensing exam, and certain critical accreditation components, including routine proficiency testing. Commission staff plans to launch the program in stages, beginning with the discipline of Forensic Document Examination.

### **B. General Forensic Analyst Licensing Exam II**

The Commission's Licensing Advisory Committee and staff are working in collaboration with psychometrician advisors on the second version of the General Forensic Analyst Licensing Exam. Staff and committee members have updated relevant reading and video materials, including articles and textbook excerpts relevant to generally applicable exam topics such as

human factors and cognitive bias in forensic science, root cause analysis, expert testimony, disclosure obligations for forensic analysts under *Brady v. Maryland* and Texas' Michael Morton Act, professional responsibility, statistics, and evidence handling. Staff plans to launch the pilot exam in the first quarter of 2022.

## **VI. Forensic Development/Training Initiatives**

### **A. Trainings**

On November 1 and 3, 2021, the Commission sponsored full-day trainings at the Harris County Institute of Forensic Sciences in Houston by cognitive neuroscience researcher, [Dr. Itiel Dror](#). During the first session, Dr. Dror addressed 486 Texas forensic analysts in-person and virtually in a general session on cognitive bias in forensic science decision-making. During the second session, he addressed issues unique to the forensic biology/DNA discipline and how cognitive bias impacts forensic biology analysis.

Currently, the Commission is working with the Court of Criminal Appeals on a regional forensic biology/DNA training for lawyers and judges in collaboration with the Bexar County District Attorney's Office. The training is currently planned for May 2022. It will highlight relevant issues in DNA mixture interpretation and other current issues in forensic DNA analysis using the facts of a hypothetical criminal case from evidence collection through post-conviction writ proceedings.

### **B. Presentations/Forensic Development**

Staff participated in numerous training and educational presentations for lawyers, judges, and forensic practitioners in Texas and nationally. Staff presented on several topics at the American Academy of Forensic Sciences 2021 Virtual Annual Conference. Lynn Garcia presented on Texas' implementation of Organization of Scientific Area Committee (OSAC)

standards and lessons learned. Leigh Tomlin presented on the licensing of forensic analysis in Texas and the implications a misconduct finding can carry for an individual.

In November 2021, Lynn Garcia participated on a forensic science panel at the Appellate Judges Education Institute (AJEI) Summit which provides appellate judicial education in the United States. The annual AJEI Summit gathers federal and state appellate judges from across the country and invites all lawyers to join them for practical, cutting-edge, educational programming such as the topics discussed by Garcia related to appellate forensic issues.

Staff also presented at several conferences hosted by the Center for American and International Law, including a presentation by attorney Robert Smith on Commission investigative findings of negligence or misconduct.

## **VII. Additional Items Required in Annual Report by Statute**

### **A. Accreditation Update**

As part of its statutory Annual Report requirement, the Commission must describe any forensic method or methodology the Commission designates as part of the accreditation process for crime laboratories.<sup>1</sup> The Commission made no significant changes to its accreditation requirements or to its lists of forensic disciplines either subject to or exempt from accreditation requirements in Texas for the period December 1, 2020, through November 30, 2021. The Commission made non-substantive changes as described below:

1) a change to provide clarity regarding certain categories of analysis listed under materials (trace), a forensic discipline subject to the accreditation and licensing rules. The amendment removed the phrase “physical comparison” from the list of categories of analysis subject to accreditation and licensing rules to avoid confusion regarding the application of this category to analytical work performed by document examiners who are otherwise exempt from the

---

<sup>1</sup> TEX. CODE CRIM. PROC. art 38.01 §8(2).

accreditation and licensing rules. The change clarified that document examination analysts performing paper reconstruction are not subject to accreditation and licensing requirements solely because paper reconstruction could be considered a type of “physical comparison.” The change took effect April 5, 2020. Notwithstanding the change, materials (trace) analysts who perform physical determinations, chemical comparisons and/or any other category of analysis listed under materials (trace) are still subject to accreditation and licensing requirements by the Commission.

2) a change to remove the term “collection” from the scope of analyses subject to accreditation and licensing requirements under the forensic biology/DNA categories of analysis. The purpose of the change was to clarify that the collection of evidence, when performed independently of forensic screening or DNA analysis, is not subject to accreditation and licensing requirements and may be performed by a qualified individual other than a licensed DNA analyst, screener or technician. Evidence collection activities related to forensic biology cases are often performed by sections in a crime laboratory other than the forensic biology section for evidence processing efficiency and other purposes. The rules as formerly written may have been read to subject all evidence collection activities to forensic biology/DNA accreditation and licensing requirements for individuals engaged in collection. The revision took effect July 11, 2021.

## **B. Forensic Analysis Definition**

In addition to the explanation of accreditation changes, the Commission's enabling statute also requires a report on recommendations for “best practices concerning the definition of ‘forensic analysis’ provided by statute or by rule” each year. The Commission has not identified any recommendations regarding the statutory definition of “forensic analysis.” The Commission may revise its conclusion on this issue as necessary in future annual reporting periods.

### **C. Developments in Forensic Science Made or Used in Other State or Federal Investigations and the Activities of the Commission with Respect to Those Developments.**

At its October 24, 2019, meeting, the Commission voted to recommend that Texas-accredited crime laboratories voluntarily adopt Organization of Scientific Area Committee (OSAC) Registry standards. OSAC is an organization within the National Institute for Standards and Technology (NIST) that works to strengthen forensic practice through improved standards. OSAC attempts to achieve this goal by: 1) facilitating the development of technically sound, science-based standards through a formal standard developing organization (SDO) process; 2) evaluating existing standards published by SDOs for placement on the OSAC Registry; and 3) promoting the use of OSAC Registry approved standards throughout the national forensic science community. The Commission is working with the OSAC Program Office on methods for encouraging implementation of uniform standards across Texas-accredited crime laboratories.

### **D. Other Relevant Information**

Commission staff is currently working in collaboration with the Office of Court Administration's Information Technology department in the development of a centralized database of Commission public information, including searchable information about 1) complaints; 2) self-disclosures; 3) forensic analysts; 4) accredited crime laboratories; 5) reported laboratory quality incidents and nonconformances; and 6) OSAC standards implementation. Staff hopes to launch the new database in phases, beginning with the first phase launch in January 2022.

# EXHIBIT A



**User Name:** Leigh Savage

**Date and Time:** Wednesday, December 1, 2021 11:59:00 AM CST

**Job Number:** 158950799

## Document (1)

1. [Tex. Code Crim. Proc. Art. 38.01](#)

**Client/Matter:** -None-

**Search Terms:** tex code crim proc art. 38.01

**Search Type:** Natural Language



## [Tex. Code Crim. Proc. Art. 38.01](#)

This document is current through the 2021 Regular Session of the 87th legislature, 2021 1st, 2nd and 3rd Called Sessions, and is current with the 2021 ballot proposition contingencies.

*Texas Statutes & Codes Annotated by LexisNexis® > Code of Criminal Procedure > Title 1 Code of Criminal Procedure of 1965 (Arts. 1.01 — 67.305) > Trial and Its Incidents (Chs. 32 — 39) > Chapter 38 Evidence in Criminal Actions (Arts. 38.01 — 38.50)*

### **Art. 38.01. Texas Forensic Science Commission.**

---

Sec. 1. Creation. — The Texas Forensic Science Commission is created.

Sec. 2. Definitions. — In this article:

- (1) “Accredited field of forensic science” means a specific forensic method or methodology validated or approved by the commission under this article.
- (2) “Commission” means the Texas Forensic Science Commission.
- (3) “Crime laboratory” has the meaning assigned by Article 38.35.
- (4) “Forensic analysis” means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action, except that the term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician.
- (4-a) “Forensic examination or test not subject to accreditation” means an examination or test described by Article 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.
- (5) “Office of capital and forensic writs” means the office of capital and forensic writs established under Subchapter B, Chapter 78, Government Code.
- (6) “Physical evidence” has the meaning assigned by Article 38.35.

Sec. 3. Composition.

- (a) The commission is composed of nine members appointed by the governor as follows:
  - (1) two members who must have expertise in the field of forensic science;
  - (2) one member who must be a prosecuting attorney that the governor selects from a list of 10 names submitted by the Texas District and County Attorneys Association;

## Tex. Code Crim. Proc. Art. 38.01

- (3) one member who must be a defense attorney that the governor selects from a list of 10 names submitted by the Texas Criminal Defense Lawyers Association;
  - (4) one member who must be a faculty member or staff member of The University of Texas who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The University of Texas System;
  - (5) one member who must be a faculty member or staff member of Texas A&M University who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The Texas A&M University System;
  - (6) one member who must be a faculty member or staff member of Texas Southern University that the governor selects from a list of five names submitted by the chancellor of Texas Southern University;
  - (7) one member who must be a director or division head of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database; and
  - (8) one member who must be a faculty or staff member of the Sam Houston State University College of Criminal Justice and have expertise in the field of forensic science or statistical analyses that the governor selects from a list of five names submitted by the chancellor of the Texas State University System.
- (b) Each member of the commission serves a two-year term. The terms expire on September 1 of:
- (1) each odd-numbered year, for a member appointed under Subsection (a)(1), (2), (3), or (4); and
  - (2) each even-numbered year, for a member appointed under Subsection (a)(5), (6), (7), or (8).
- (c) The governor shall designate a member of the commission to serve as the presiding officer.

**Sec. 3-a. Rules.** The commission shall adopt rules necessary to implement this article.

**Sec. 3-b. Code of Professional Responsibility.**

- (a) The commission shall adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article.
- (b) The commission shall publish the code of professional responsibility adopted under Subsection (a).
- (c) The commission shall adopt rules establishing sanctions for code violations.
- (d) The commission shall update the code of professional responsibility as necessary to reflect changes in science, technology, or other factors affecting the persons, laboratories, facilities, and other entities regulated under this article.

**Sec. 4. Duties.**

## Tex. Code Crim. Proc. Art. 38.01

(a) The commission shall:

- (1) develop and implement a reporting system through which a crime laboratory may report professional negligence or professional misconduct;
- (2) require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the commission; and
- (3) investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of:
  - (A) the results of a forensic analysis conducted by a crime laboratory;
  - (B) an examination or test that is conducted by a crime laboratory and that is a forensic examination or test not subject to accreditation; or
  - (C) testimony related to an analysis, examination, or test described by Paragraph (A) or (B).

(a-1) The commission may initiate an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint submitted through the reporting system implemented under Subsection (a)(1), if the commission determines by a majority vote of a quorum of the members of the commission that an investigation of the analysis, examination, or test would advance the integrity and reliability of forensic science in this state.

(b) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is accredited under this article pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation:

- (1) must include the preparation of a written report that identifies and also describes the methods and procedures used to identify:
  - (A) the alleged negligence or misconduct;
  - (B) whether negligence or misconduct occurred;
  - (C) any corrective action required of the laboratory, facility, or entity;
  - (D) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
  - (E) best practices identified by the commission during the course of the investigation; and
  - (F) other recommendations that are relevant, as determined by the commission; and
- (2) may include one or more:
  - (A) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and
  - (B) follow-up evaluations of the laboratory, facility, or entity to review:

## Tex. Code Crim. Proc. Art. 38.01

- (i) the implementation of any corrective action required under Subdivision (1)(C); or
- (ii) the conclusion of any retrospective reexamination under Paragraph (A).

(b-1) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited under this article or the investigation involves a forensic examination or test not subject to accreditation, the investigation may include the preparation of a written report that contains:

- (1) observations of the commission regarding the integrity and reliability of the applicable analysis, examination, or test conducted;
- (2) best practices identified by the commission during the course of the investigation; or
- (3) other recommendations that are relevant, as determined by the commission.

(b-2) If the commission conducts an investigation of a forensic analysis under Subsection (a-1), the investigation must include the preparation of a written report that contains:

- (1) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
- (2) best practices identified by the commission during the course of the investigation; and
- (3) other recommendations that are relevant, as determined by the commission.

(c) The commission by contract may delegate the duties described by Subsections (a)(1) and (3) and Sections 4-d(b)(1), (b-1), and (d) to any person the commission determines to be qualified to assume those duties.

(d) The commission may require that a crime laboratory investigated under this section pay any costs incurred to ensure compliance with Subsection (b), (b-1), or (b-2).

(e) The commission shall make all investigation reports completed under Subsection (b), (b-1), or (b-2) available to the public. A report completed under Subsection (b), (b-1), or (b-2), in a subsequent civil or criminal proceeding, is not prima facie evidence of the information or findings contained in the report.

(f) The commission may not make a determination of whether professional negligence or professional misconduct occurred or issue a finding on that question in an investigation initiated under Subsection (a-1) or for which an investigation report may be prepared under Subsection (b-1).

(g) The commission may not issue a finding related to the guilt or innocence of a party in an underlying civil or criminal trial involving conduct investigated by the commission under this article.

(h) The commission may review and refer cases that are the subject of an investigation under Subsection (a)(3) or (a-1) to the office of capital and forensic writs in accordance with [Section 78.054\(b\), Government Code](#).

Sec. 4-a. Forensic analyst licensing.

## Tex. Code Crim. Proc. Art. 38.01

- (a) Notwithstanding Section 2, in this section:
- (1) "Forensic analysis" has the meaning assigned by Article 38.35.
  - (2) "Forensic analyst" means a person who on behalf of a crime laboratory accredited under this article technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory. The term does not include a medical examiner or other forensic pathologist who is a licensed physician.
- (b) A person may not act or offer to act as a forensic analyst unless the person holds a forensic analyst license. The commission by rule may establish classifications of forensic analyst licenses if the commission determines that it is necessary to ensure the availability of properly trained and qualified forensic analysts to perform activities regulated by the commission.
- (c) The commission by rule may establish voluntary licensing programs for forensic examinations or tests not subject to accreditation.
- (d) The commission by rule shall:
- (1) establish the qualifications for a license that include:
    - (A) successful completion of the education requirements established by the commission;
    - (B) specific course work and experience, including instruction in courtroom testimony and ethics in a crime laboratory;
    - (C) successful completion of an examination required or recognized by the commission; and
    - (D) successful completion of proficiency testing to the extent required for crime laboratory accreditation;
  - (2) set fees for the issuance and renewal of a license; and
  - (3) establish the term of a forensic analyst license.
- (e) The commission by rule may recognize a certification issued by a national organization in an accredited field of forensic science as satisfying the requirements established under Subsection (d)(1)(C) to the extent the commission determines the content required to receive the certification is substantially equivalent to the content of the requirements under that subsection.
- (f) The commission shall issue a license to an applicant who:
- (1) submits an application on a form prescribed by the commission;
  - (2) meets the qualifications established by commission rule; and
  - (3) pays the required fee.

## Sec. 4-b. Advisory Committee.

## Tex. Code Crim. Proc. Art. 38.01

- (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the licensing of forensic analysts under Section 4-a.
- (b) The advisory committee consists of nine members as follows:
  - (1) one prosecuting attorney recommended by the Texas District and County Attorneys Association;
  - (2) one defense attorney recommended by the Texas Criminal Defense Lawyers Association; and
  - (3) seven members who are forensic scientists, crime laboratory directors, or crime laboratory quality managers, selected by the commission from a list of 20 names submitted by the Texas Association of Crime Laboratory Directors.
- (c) The commission shall ensure that appointments under Subsection (b)(3) include representation from municipal, county, state, and private crime laboratories that are accredited under this article.
- (d) The advisory committee members serve staggered two-year terms, with the terms of four or five members, as appropriate, expiring on August 31 of each year. An advisory committee member may not serve more than two consecutive terms. A vacancy on the advisory committee is filled by appointing a member in the same manner as the original appointment to serve for the unexpired portion of the term.
- (e) The advisory committee shall elect a presiding officer from among its members to serve a one-year term. A member may serve more than one term as presiding officer.
- (f) The advisory committee shall meet annually and at the call of the presiding officer or the commission.
- (g) An advisory committee member is not entitled to compensation. A member is entitled to reimbursement for actual and necessary expenses incurred in performing duties as a member of the advisory committee subject to the General Appropriations Act.
- (h) Chapter 2110, Government Code, does not apply to the advisory committee.

**Sec. 4-c. Disciplinary Action.**

- (a) On a determination by the commission that a license holder has committed professional misconduct under this article or violated this article or a rule or order of the commission under this article, the commission may:
  - (1) revoke or suspend the person's license;
  - (2) refuse to renew the person's license; or
  - (3) reprimand the license holder.
- (b) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the license holder to:

## Tex. Code Crim. Proc. Art. 38.01

- (1) report regularly to the commission on matters that are the basis of the probation; or
  - (2) continue or review continuing professional education until the license holder attains a degree of skill satisfactory to the commission in those areas that are the basis of the probation.
- (c) The commission shall give written notice by certified mail of a determination described by Subsection (a) to a license holder who is the subject of the determination. The notice must:
- (1) include a brief summary of the alleged misconduct or violation;
  - (2) state the disciplinary action taken by the commission; and
  - (3) inform the license holder of the license holder's right to a hearing before the Judicial Branch Certification Commission on the occurrence of the misconduct or violation, the imposition of disciplinary action, or both.
- (d) Not later than the 20th day after the date the license holder receives the notice under Subsection (c), the license holder may request a hearing by submitting a written request to the Judicial Branch Certification Commission. If the license holder fails to timely submit a request, the commission's disciplinary action becomes final and is not subject to review by the Judicial Branch Certification Commission.
- (e) If the license holder requests a hearing, the Judicial Branch Certification Commission shall conduct a hearing to determine whether there is substantial evidence to support the determination under Subsection (a) that the license holder committed professional misconduct or violated this article or a commission rule or order under this article. If the Judicial Branch Certification Commission upholds the determination, the Judicial Branch Certification Commission shall determine the type of disciplinary action to be taken. The Judicial Branch Certification Commission shall conduct the hearing in accordance with the procedures provided by Subchapter B, Chapter 153, Government Code, as applicable, and the rules of the Judicial Branch Certification Commission.

**Sec. 4-d. Crime Laboratory Accreditation Process.**

- (a) Notwithstanding Section 2, in this section "forensic analysis" has the meaning by Article 38.35.
- (b) The commission by rule:
  - (1) shall establish an accreditation process for crime laboratories and other entities conducting forensic analyses of physical evidence for use in criminal proceedings; and
  - (2) may modify or remove a crime laboratory exemption under this section if the commission determines that the underlying reason for the exemption no longer applies.
- (b-1) As part of the accreditation process established and implemented under Subsection (b), the commission may:
  - (1) establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws;

## Tex. Code Crim. Proc. Art. 38.01

- (2) validate or approve specific forensic methods or methodologies; and
- (3) establish procedures, policies, standards, and practices to improve the quality of forensic analyses conducted in this state.

(b-2) The commission may require that a laboratory, facility, or entity required to be accredited under this section pay any costs incurred to ensure compliance with the accreditation process.

(b-3) A laboratory, facility, or entity that must be accredited under this section shall, as part of the accreditation process, agree to consent to any request for cooperation by the commission that is made as part of the exercise of the commission's duties under this article.

(c) The commission by rule may exempt from the accreditation process established under Subsection (b) a crime laboratory conducting a forensic analysis or a type of analysis, examination, or test if the commission determines that:

- (1) independent accreditation is unavailable or inappropriate for the laboratory or the type of analysis, examination, or test performed by the laboratory;
- (2) the type of analysis, examination, or test performed by the laboratory is admissible under a well-established rule of evidence or a statute other than Article 38.35;
- (3) the type of analysis, examination, or test performed by the laboratory is routinely conducted outside of a crime laboratory by a person other than an employee of the crime laboratory; or
- (4) the laboratory:
  - (A) is located outside this state or, if located in this state, is operated by a governmental entity other than the state or a political subdivision of the state; and
  - (B) was accredited at the time of the analysis under an accreditation process with standards that meet or exceed the relevant standards of the process established under Subsection (b).

(d) The commission may at any reasonable time enter and inspect the premises or audit the records, reports, procedures, or other quality assurance matters of a crime laboratory that is accredited or seeking accreditation under this section.

(e) The commission may collect costs incurred under this section for accrediting, inspecting, or auditing a crime laboratory.

(f) If the commission provides a copy of an audit or other report made under this section, the commission may charge \$6 for the copy, in addition to any other cost permitted under Chapter 552, Government Code, or a rule adopted under that chapter.

**Sec. 5. Reimbursement.** — A member of the commission may not receive compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.



## Tex. Code Crim. Proc. Art. 38.01

**Sec. 6. Assistance.** — The Texas Legislative Council, the Legislative Budget Board, and The University of Texas at Austin shall assist the commission in performing the commission's duties.

**Sec. 7. Submission.** — The commission shall submit any report received under Section 4(a)(2) and any report prepared under Section 4(b)(1) to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1 of each even-numbered year.

**Sec. 8. Annual Report.** — Not later than December 1 of each year, the commission shall prepare and publish a report that includes:

- (1) a description of each complaint filed with the commission during the preceding 12-month period, the disposition of each complaint, and the status of any complaint still pending on December 31;
- (2) a description of any specific forensic method or methodology the commission designates as part of the accreditation process for crime laboratories established by rule under this article;
- (3) recommendations for best practices concerning the definition of "forensic analysis" provided by statute or by rule;
- (4) developments in forensic science made or used in other state or federal investigations and the activities of the commission, if any, with respect to those developments; and
- (5) other information that is relevant to investigations involving forensic science, as determined by the presiding officer of the commission.

**Sec. 9. Administrative Attachment to Office of Court Administration.**

- (a) The commission is administratively attached to the Office of Court Administration of the Texas Judicial System.
- (b) The Office of Court Administration of the Texas Judicial System shall provide administrative support to the commission as necessary to enable the commission to carry out the purposes of this article.
- (c) Only the commission may exercise the duties of the commission under this article. Except as provided by Subsection (b), the Office of Court Administration of the Texas Judicial System does not have any authority or responsibility with respect to the duties of the commission under this article.

**Sec. 10. Open Records Limitation.** — Information that is filed as part of an allegation of professional misconduct or professional negligence or that is obtained during an investigation of an allegation of professional misconduct or professional negligence is not subject to release under Chapter 552, Government Code, until the conclusion of an investigation by the commission under Section 4.

**Sec. 11. Report Inadmissible As Evidence.** — A written report prepared by the commission under this article is not admissible in a civil or criminal action.

**Sec. 12. Collection of Certain Forensic Evidence.** The commission shall establish a method for collecting DNA and other forensic evidence related to unidentified bodies located less than 120 miles from the Rio Grande River.

## Tex. Code Crim. Proc. Art. 38.01

Sec. 13. Texas Forensic Science Commission Operating Account. The Texas Forensic Science Commission operating account is an account in the general revenue fund. The commission shall deposit fees collected under Section 4-a for the issuance or renewal of a forensic analyst license to the credit of the account. Money in the account may be appropriated only to the commission for the administration and enforcement of this article.

Sec. 14. Funding for training and education. The commission may use appropriated funds for the training and education of forensic analysts.

## History

---

[Acts 2005, 79th Leg., ch. 1224 \(H.B. 1068\), § 1](#), effective September 1, 2005; am. [Acts 2013, 83rd Leg., ch. 782 \(S.B. 1238\), §§ 1—4](#), effective June 14, 2013; [Acts 2015, 84th Leg., ch. 1215 \(S.B. 1743\), §§ 8, 9](#), effective September 1, 2015; [Acts 2015, 84th Leg., ch. 1276 \(S.B. 1287\), §§ 1—7](#), effective September 1, 2015; [Acts 2017, 85th Leg., ch. 212 \(S.B. 1124\), § 1](#), effective September 1, 2017; [Acts 2017, 85th Leg., ch. 324 \(S.B. 1488\), § 24.001\(4\)](#), effective September 1, 2017; [Acts 2017, 85th Leg., ch. 1115 \(S.B. 298\), § 1](#), effective September 1, 2017; [Acts 2019, 86th Leg., ch. 574 \(S.B. 284\), § 1](#), effective September 1, 2019; [Acts 2021, 87th Leg., ch. 934 \(H.B. 3774\), § 10.01](#), § 10.02, § 10.03, § 10.04, § 10.05, § 10.06, effective September 1, 2021.

### Annotations

## LexisNexis® Notes

---

## Notes

---

### STATUTORY NOTES

#### Editor's Notes

A former art. 38.01, Rules of Common Law, as added by Acts 1965, 59th Leg., ch. 722 (S.B. 107), § 1 was repealed by the Texas Court of Criminal Appeals pursuant to Acts 1985, 69th Leg., ch. 685 (H.B. 13), § 9.

[Acts 2013, 83rd Leg., ch. 782 \(S.B. 1238\), § 7](#) provides: "The term of a person appointed under former Subdivision (3), Subsection (a), Section 3, [Article 38.01, Code of Criminal Procedure](#), as that law existed immediately before the effective date of this Act [September 1, 2013], expires September 1, 2014, and the governor shall appoint a person

## Tex. Code Crim. Proc. Art. 38.01

to fill each vacancy on that date in accordance with Subdivisions (7) and (8), Subsection (a), Section 3, [Article 38.01, Code of Criminal Procedure](#), as amended by this Act. On the expiration of a term under former Subdivision (1) or (2), Subsection (a), Section 3, [Article 38.01, Code of Criminal Procedure](#), as that law existed immediately before the effective date of this Act, the governor shall appoint a person to fill each vacancy in accordance with Subdivision (1), (2), (3), (4), (5), or (6), Subsection (a), Section 3, [Article 38.01, Code of Criminal Procedure](#), as amended by this Act, as applicable.”

Acts 2013, 83rd Leg., ch. 782 (S.B. 1238), § 8 provides: “Not later than December 1, 2014, the Texas Forensic Science Commission shall submit the first annual report required by Section 8, [Article 38.01, Code of Criminal Procedure](#), as added by this Act.”

[Acts 2015 ch. 1276 \(S.B. 1287\) §17\(b\)](#) provides: Section 4-a(b), [Article 38.01, Code of Criminal Procedure](#), as added by this Act, takes effect January 1, 2019.

#### Amendment Notes

2013 amendment, rewrote Section 2, which read: “Definition. —In this article, ‘forensic analysis’ has the meaning assigned by Article 38.35(a).”; in Section 3, rewrote (a), pertaining to the composition of member in the commission and rewrote (b), which read: “Each member of the commission serves a two-year term. The term of the members appointed under Subsections (a)(1) and (2) expires on September 1 of each odd-numbered year. The term of the members appointed under Subsection (a)(3) expires on September 1 of each even-numbered year.”; in Section 4, substituted “a crime laboratory may” for “accredited laboratories, facilities, or entities” in (a)(1), added “professional” after “negligence or” in (a)(1), (a)(2), and (a)(3), substituted “a crime laboratory” for “all laboratories, facilities, or entities” in (a)(2), substituted “a crime laboratory” for “an accredited laboratory, facility, or entity” in (a)(3), added (a-1), (b)(1)(D), (b)(1)(E), (b)(1)(F), (b-1), (b-2), (f), and (g), in the introductory language of (b), added “If the commission conducts” and “of a crime laboratory that is accredited by the Department of Public Safety under Section 411.0205, Government Code, pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation”; substituted “crime laboratory” for “laboratory, facility, or entity” in (d), and substituted “Subsection (b), (b-1), or (b-2)” for “Subsection (b)(1)” throughout (d) and (e); added Sections 8 through 11; and made related changes.

2015 amendment, by ch. 1215, added Section 2(5) and Section 4(h).

2015 amendment, by ch. 1276, in Section 2, substituted “commission under this article” for “public safety director of the Department of Public Safety under Section 411.0205(b-1)(2), Government Code, as part of the accreditation process for crime laboratories established by rule under Section 411.0205(b) of that code” in (1) and added (5); substituted “five names” for “10 names” in (a)(4), (a)(5), (a)(6), and (a)(8) of Section 3; substituted “under this article” for “by the Department of Public Safety under Section 411.0205, Government Code” in the introductory language of (b) and (b-1) of Section 4; added Sections 3-a, 4-a, 4-b, and 4-c.

2017 amendment by ch. 1115 (S.B. 298), § 1, added Section 13.

## Tex. Code Crim. Proc. Art. 38.01

2017 amendment by ch. 212 (S.B. 1124), § 1, in Section 9, substituted “Office of Court Administration” for “Sam Houston State University” in the section heading; substituted “the Office of Court Administration of the Texas Judicial System” for “Sam Houston State University” at the end of (a); in (b), substituted “The Office of Court Administration of the Texas Judicial System” for “The Board of Regents of the Texas State University System” at the beginning, and added “enable the commission” following “necessary to”; and substituted “the Office of Court Administration of the Texas Judicial System does not have” for “neither the Board of Regents of the Texas State University System nor Sam Houston State University has” in (c).

2017 amendment by ch. 324 (S.B. 1488), § 24.001(4), redesignated Section 2, subdivision (5), as added by Acts 2015, ch. 1276 (S.B. 1287), as Section 2, subdivision (6).

The 2019 amendment rewrote (4-c)(c), which formerly read: “Disciplinary proceedings of the commission are governed by Chapter 2001, Government Code. A hearing under this section shall be conducted by an administrative law judge of the State Office of Administrative Hearings”; and added (4-c)(d) and (4-c)(e).

The 2021 amendment by H.B. 3774, §§ 10.01, 10.02, 10.03, 10.04, 10.05, 10.06 added (4-a) in Section 2; added section 3-b; in Section 4, redesignated and rewrote former (a)(3) as (a)(3) introductory language and (a)(3)(A), added (a)(3)(B) and (a)(3)(C), rewrote (a-1) and (b-1), and added “and Sections 4-d(b)(1), (b-1), and (d)” in (c); in Section 4-a, substituted “examinations or tests not subject to accreditation” for “disciplines that are not subject to accreditation under this article” at the end of (c); added “standards” in (b-1)(3) of Section 4-d; and added Section 14.

## Case Notes

---

### Notes to Unpublished Decisions

#### Criminal Law & Procedure: Bail: Conditions of Release

*Unpublished decision:* Habeas corpus was properly denied; the court did not abuse its discretion by increasing defendant's bail after he tested positive for marijuana because, even assuming that [Tex. Code Crim. Proc. Ann. art. 38.35](#) applied to bail proceedings and required evidence demonstrating that the entity conducting the drug test was accredited by the commission, defendant did not satisfy his burden at the hearing. [Ex parte Bernal, No. 10-16-00403-CR, 2017 Tex. App. LEXIS 4494 \(Tex. App. Waco May 17, 2017\)](#).

## Opinion Notes

---

### Attorney General Opinions

## Tex. Code Crim. Proc. Art. 38.01

**Investigative Authority.**

By the plain language of [Tex. Code Crim. Proc. Ann. art. 38.01, § 4\(a\)\(3\)](#), the Texas Forensic Science Commission does not have investigative authority over evidence tested or offered into evidence before September 1, 2005. 2011 Tex. Op. Att'y Gen. GA-0866.

The Forensic Science Commission's investigative authority under [Tex. Code Crim. Proc. Ann. art. 38.01, § 4\(a\)\(3\)](#) is limited to those laboratories, facilities, or entities that were accredited by the Department of Public Safety at the time the forensic analyses took place. 2011 Tex. Op. Att'y Gen. GA-0866.

The Forensic Science Commission ("FSC") may not investigate fields of forensic analysis expressly excluded from the statutory definition of "forensic analysis"; forensic analysis that is neither expressly included nor excluded, but that falls under the generic definition of "forensic analysis" found in [Tex. Code Crim. Proc. Ann. art. 38.35\(a\)\(4\)](#), is generally subject to FSC investigation, assuming all other statutory requirements are satisfied. 2011 Tex. Op. Att'y Gen. GA-0866.

**Accreditation.**

A court would likely conclude that (1) "forensic analysis" as defined in [Tex. Code Crim. Proc. Ann. art. 38.35](#), from a crime laboratory that is neither accredited by the Forensic Science Commission nor exempt from accreditation by statute or administrative rule is inadmissible in a criminal action in a Texas court under art. 38.35(d)(1); and (2) the Commission may refrain from granting an exemption from accreditation under [Tex. Code Crim. Proc. Ann. art. 38.01](#), subpart (4-d)(c) in its reasonable discretion. 2017 Tex. Op. Att'y Gen. KP-0127.

**Reporting.**

A court would likely conclude that, pursuant to [Tex. Code Crim. Proc. Ann. art. 38.01](#), subpart 4(a)(2), a crime laboratory must report professional negligence or professional misconduct pertaining to forensic analyses in all disciplines-not just those that are accredited-to the Commission. 2017 Tex. Op. Att'y Gen. KP-0127.

**Toxicological Analysis.**

Post-mortem toxicological analysis requested by a medical examiner or forensic pathologist is subject to the Forensic Science Commission's accreditation authority only if it is performed for the purpose of determining the connection of physical evidence to a criminal action; such purpose depends on why a medical examiner or forensic pathologist requests the analysis, not how the results are ultimately used; whether any particular post-mortem toxicological analysis is performed for the purpose of determining the connection of physical evidence to a criminal action is for the Commission to determine in the first instance, subject to judicial review. 2018 Tex. Op. Att'y Gen. KP-0188.

Tex. Code Crim. Proc. Art. 38.01

Copyright © 2021 Matthew Bender & Company, Inc.  
a member of the LexisNexis Group. All rights reserved.

---

End of Document

## EXHIBIT B

BUDGET STATUS REPORT FY22 FIRST QUARTER  
10/8/21

Category	Description	YTD	Projected	Current Remaining	% Total Budget	% Projected Used	% Projected Remaining
<b>FY22 Expenditures</b>							
<b>Staff salaries</b>							
	<i>All labor costs for 5 full-time employees and 1 temporary employee (includes longevity, EAP, Payroll Health Contributions, Payroll Retirement Contributions, and workers comp. for all 6 employees)</i>	91,602.52	549,615.11	458,012.59	75.08%	16.67%	83.33%
<b>Travel for Commissioners, Licensing Advisory Committee Members and Staff</b>							
	<i>Travel reimbursements</i>	-	40,700.00	40,700.00	5.56%	0.00%	100.00%
<b>Conference/Training Fees/Membership Fees - 4 Staff</b>							
	<i>All employee conference and professional membership fees</i>	3,300.00	5,500.00	2,200.00	0.75%	60.00%	40.00%
<b>Office Supplies</b>							
	<i>Office Supplies (file folders, copy paper, batteries, envelopes, etc.)</i>	57.31	1,000.00	942.69	0.14%	5.73%	94.27%
<b>IT Services FY22</b>							
	<i>WBT Systems - TopClass Licensing Software - Annual Maintenance Fee</i>	9,600.00	9,600.00	-	1.31%	100.00%	0.00%
	<i>WBT Systems - Change Requests/Other Items</i>	-	5,000.00	5,000.00	0.68%	0.00%	100.00%
<b>General Operating Expenses (copier, phone, internet, other utilities, including \$30K administrative fee to Office of Court Administration) FY22</b>							
	<b>Encumbered Operating Expenses</b>						
	<i>Administrative Fee - OCA</i>	30,000.00	30,000.00	-	4.10%	100.00%	0.00%
	<i>DocuSign</i>	2,170.92	2,170.92	-	0.30%	100.00%	0.00%
	<i>Xerox</i>	2,362.32	2,362.32	-	0.32%	100.00%	0.00%
	<i>Xerox Copies/Overages</i>	2,000.00	2,000.00	-	0.27%	100.00%	0.00%
	<i>Verizon</i>	1,367.64	1,367.64	-	0.19%	100.00%	0.00%
	<i>ATT (1-800 numbers and data)</i>	955.88	955.88	-	0.13%	100.00%	0.00%
	<i>DIR</i>	1,680.85	1,680.85	-	0.23%	100.00%	0.00%
	<i>Lexis Research</i>	1,376.40	1,376.40	-	0.19%	100.00%	0.00%
	<i>Dropbox</i>	211.08	211.08	-	0.03%	100.00%	0.00%
	<i>CenturyLink</i>	10.00	10.00	-	0.00%	100.00%	0.00%
	<i>Parking</i>	600.00	600.00	-	0.08%	100.00%	0.00%
	<i>Texas Directory</i>	8.95	8.95	-	0.00%	100.00%	0.00%
	<i>Prezi</i>	907.48	907.48	-	0.12%	100.00%	0.00%
	<i>Code of Criminal Procedure Desk Reference 2022</i>	550.00	550.00	-	0.08%	100.00%	0.00%



**BUDGET STATUS REPORT FY22 FIRST QUARTER**  
10/8/21

	<i>Leankit</i>	1,408.00	1,408.00	-	0.19%	100.00%	0.00%
<b>Mailing/Fedex/PO Box</b>							
	<i>Mail Service Costs (including annual PO Box fee)</i>	57.13	1,100.00	1,042.87	0.15%	5.19%	94.81%
<b>Training and Forensic Development</b>							
	<i>Itiel Dror Cognitive Bias Training HCIFS</i>	18,000.00	18,000.00	-	2.46%	100.00%	0.00%
	<i>Bodziak Statewide Materials (Trace) Training</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
	<i>NIST/OSAC Subject Matter Groups on Implementation</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
	<i>Forensic Benchbook Subject Matter Experts</i>	-	37,500.00	37,500.00	5.12%	0.00%	100.00%
	<i>NACDL Forensic Evidence Book</i>	250.00	250.00	-	0.03%	100.00%	0.00%
<b>Investigative Costs</b>							
	<i>Rohrig - Toxicology Expert</i>	7,500.00	7,500.00	-	1.02%	100.00%	0.00%
	<i>Other Investigative Costs</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
<b>Discipline Specific Reviews</b>							
	<i>Travel Reimbursements and other Costs for Crime Scene and other forensic workgroups</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
<b>Licensing Program</b>							
	<i>ACS Ventures/Psychometric testing</i>	4,950.00	4,950.00	-	0.68%	100.00%	0.00%
	<i>Licensing stickers for embossment</i>	-	238.15	238.15	0.03%	0.00%	100.00%
	<i>Shipping for certificates and stickers</i>	-	19.48	19.48	0.00%	0.00%	100.00%
	<i>Public Data - Criminal History Search Subscription</i>	250.00	250.00	-	0.03%	100.00%	0.00%
	<i>Licensing Card Printing</i>	-	1,000.00	1,000.00	0.14%	0.00%	100.00%
	<i>SHSU Respondus/Blackbaord Remote Testing</i>	10.00	2,500.00	2,490.00	0.34%	0.40%	99.60%
<b>FY22 Revenue</b>							
	<i>Licensing fee revenues available</i>	215,666.71	215,666.71				
		<b>\$ 181,176.48</b>	<b>\$ 766,832.26</b>	<b>\$ 589,145.78</b>		<b>23.63%</b>	<b>76.83%</b>
<b>FY22 Budget Totals</b>							
	<i>FY22 Budget Appropriation</i>	\$ 553,850.00					
	<i>Current Revenue (includes \$214916.71 FY20 UB + FY22 fees collected \$750)</i>	\$ 215,666.71					
<b>Total Expendable Budget FY22</b>		<b>\$ 769,516.71</b>					

## EXHIBIT C

TFSC Case List 12/1/2020-11/30/2021

FILE NO.	COMPLAINT	DISCLOSURE	DOC DATE	DATE REC'D	COMPLAINANT/LAB	SUBJECT LAB	DISCIPLINE	LAB NOTIFIED	STATUS
20.68		X	12/15/20	12/15/20	DPS Austin		Blood Alcohol		NFA- Closed
20.69		X	12/29/20	12/29/20	DPS Abilene		Seized Drugs		NFA- Closed
20.70	X		12/4/20	12/18/20	Allen E. Grant	DPS Austin	Latent Prints, DNA		Dismissed by staff
20.71		X	12/31/20	12/31/20	HFSC		Latent Prints		NFA- Closed
20.72		X	1/6/21	1/6/21	UNTCHI		Forensic Biology/DNA		NFA- Closed
20.73	X		12/4/20	12/18/20	James Smiley	Austin PD, DPS Austin	Forensic Biology/DNA		Dismissed by staff
<b>REC'D SINCE JAN COMMISSION MTG</b>									
21.01		X	1/21/21	1/21/21	Bexar Co CIL		Seized Drugs		NFA- Closed
21.02	X		12/29/20	1/13/21	Ryan Lee Cole	Austin PD, DPS Austin	None provided		Dismissed by staff
21.03		X	1/21/21	1/21/21	UNTCHI		Forensic Biology/DNA		NFA- Closed
21.04		X	1/26/21	1/26/21	HFSC		Forensic Biology/DNA		NFA- Closed
21.05		X	2/15/21	2/15/21	Harris County IFS		Firearms/Tool Marks		NFA- Closed
21.06		X	2/15/21	2/15/21	NMS		Toxicology		NFA- Closed
21.07		X	2/22/21	2/22/21	HFSC		CSI Failed PT		NFA- Closed
21.08	X		12/30/20		Roosevelt Haynes III	Austin PD	None provided		Dismissed by staff
21.09	X		1/1/21		Joe Ramirez	Austin PD	Forensic Biology/DNA		Dismissed by staff
21.10	X		12/10/20		Ernest E. Gaines	DPS Garland	Forensic Biology/DNA	to Brady 3/5/21	Dismissed
21.11		X	3/9/21	3/9/21	Bexar Co CIL		Seized Drugs		NFA- Closed
21.12	X		2/11/21	3/9/21	Glen Dale Horner	Houston PD/HFSC	Forensic Biology/DNA	RS asked HFSC for info 3/22/21	Closed
21.13	X		3/5/21	3/10/21	Holston Banks	DPS Lubbock	Forensic Biology/CODIS	to analysts/lab 3/16/21	Dismissed
21.14		X	3/12/21	3/12/21	Austin PD		Toxicology		NFA- Closed
21.15		X	3/8/21	3/10/21	HFSC		Latent Prints		NFA- Closed
21.16	X		3/18/21	3/18/21	Rickey Layfield	SANE Paula Wilson	Child Sexual Assault Exam		Dismissed
21.17		X	3/25/21	3/25/21	SWIFS		Firearms/Tool Marks		Accepted
21.18		X	3/24/21	3/26/21	DPS System		Firearms/Tool Marks		NFA- Closed
21.19		X	3/26/21	3/16/21	Bexar Co CIL		Seized Drugs		NFA- Closed
21.20		X	4/2/21	4/2/21	DPS Austin		Fire Debris		NFA- Closed
<b>REC'D SINCE APRIL COMMISSION MTG</b>									
21.21		X	4/5/21	4/5/21	HFSC		Crime Scene		Closed
21.22		X	4/6/21	4/6/21	Tarrant Co ME		Forensic Biology/DNA		Closed
21.23		X	4/9/21	4/9/21	Tarrant Co ME		Forensic Biology/DNA Calibration		Closed
21.24		X	4/9/21	4/9/21	DPS Austin		Digital Media		Closed
21.25	X		3/19/21	4/15/21	Randall Brooks	FHPD Crime Lab	Serology	to Michael 6/18/21	Closed
21.26	X		3/21/21	4/15/21	Derek Pride	DPS Midland	Seized Drugs	to Brady 5/12/21	Closed
21.27	X		4/22/21	4/22/21	University of Colorado Law	Houston PD/HFSC	Firearms/Tool Marks	to Peter Stout 4/30/21	Accepted
21.28	X		5/6/21	5/17/21	Melvin George Nicholas	None	None		Closed- staff dismissal
21.29	X		5/6/21	5/17/21	Cyrus L. Gray III	None	None		Closed- staff dismissal
21.30		X	4/28/21	4/28/21	Jefferson Co CIL		Seized Drugs		Closed
21.31	X		5/16/21	5/26/21	Rolando Gutierrez	DPS Houston ?	Seized Drugs		Closed- staff dismissal
21.32	X		6/1/21	6/1/21	Bob Wicoff	Dr. Melba Ketchum	Forensic Biology/DNA (canine)	to Dr. Ketchum 6/4/21	Accepted
21.33		X	6/2/21	6/3/21	Bexar Co CIL		Seized Drugs		Closed
21.34		X	6/4/21	6/4/21	Jefferson Co RCL		Seized Drugs		Closed
21.35		X	5/27/21	5/27/21	Ft. Worth PD Crime Lab		Firearms/Tool Marks		Closed
21.36	X		5/12/21	6/3/21	Charles Lee	DPS Austin	Seized Drugs		Closed- staff dismissal
21.37		X	6/9/21	6/9/21	NMS Labs		Seized Drugs		Closed
21.38		X	6/11/21	6/11/21	UNTCHI		DNA CODIS		Closed
21.39	X		5/3/21	5/17/21	Jerry Johnson	DPS Lubbock	Hair Comparison	to Brady 6/14	Closed- to hair panel
21.40		X	6/16/21	6/16/21	Corpus Christi PD		Firearms/Tool Marks		Closed
21.41		X	6/10/21	6/18/21	NMS Labs		Seized Drugs		Accepted
21.42		X	6/24/21	6/28/21	DPS Austin		Materials (Trace)		Closed
21.43		X			UNT		Forensic Biology/DNA		Closed

REC'D SINCE JULY COMMISSION MTG									
21.44		X	8/4/21	8/4/21	Jefferson Co RCL		Forensic Biology		NFA- Closed
21.45	X		7/23/21	8/16/21	Lawrence Fuller	SWIFS	Firearms/Tool Marks	To Woolridge 9/16/21	Dismissed
21.46	X		8/19/21	9/2/21	Damon Earl Lewis	N. TX. Child Advocacy	SANE	To Basinger 9/7/21	Accepted
21.47		X	9/8/21	9/8/21	DPS El Paso		Forensic Biology/DNA		NFA- Closed
21.48		X	9/8/21	9/10/21	UNTCHI- Tidwell		Forensic Biology/DNA		Licensing- closed
21.49		X	9/10/21	9/10/21	FWPD- Morrison		Forensic Biology/DNA	LMT contacted Morrison 9/13	Accepted
21.50		X	9/14/21	9/14/21	HCIFS		Materials (Trace)		Closed
21.51		X	9/21/21	9/21/21	Tarrant Co ME		Seized Drugs		Closed
21.52		X	8/12/21	8/12/21	HCIFS		Seized Drugs		Closed
21.53		X	9/24/21	9/24/21	HFSC		Forensic Biology/DNA		Closed
21.54	X		9/8/21	9/23/21	James Smiley	APD/DPS Cap Lab	Forensic Biology/DNA	have tests from Sig Sci	Accepted
21.55	X		9/15/21	9/23/21	Jerry Johnson	DPS Lubbock	Serology; Footwear Impression		Closed
21.56		X	9/28/21	9/28/21	HFSC		Firearms/Tool Marks		Closed
21.57		X	9/27/21	9/27/21	NMS Labs		Seized Drugs		Accreditation- closed
REC'D SINCE OCTOBER COMMISSION MTG									
21.58		X	10/22/21	10/25/21	Austin PD		Seized Drugs		
21.59	X		9/27/21	11/3/21	Muqtasid Qadir	Ft. Worth PD	Serology, DNA		
21.60	X		10/28/21	11/10/21	Lester Davis	Nurse Genger Galloway	Medical Records		
21.61	X		10/28/21	11/10/21	Lester Davis	DPS Waco	Seized Drugs		
21.62	X		11/15/21	11/15/21	Howard Wayne Farmer	SWIFS	GSR		
21.63		X	11/15/21	11/15/21	Tarrant Co. ME		Toxicology		
21.64	X		10/31/21	11/18/21	Cornell Jackie Drummer	Bexar Co CIL	Firearms/Tool Marks		