

TEXAS



State legislatures consider and enact laws that address the administration and use of forensic science by state justice systems. Issues addressed in these measures include the delegation of oversight responsibilities for forensic services, accreditation standards for forensic laboratories, access to post-conviction DNA testing, the collection and analysis of DNA samples from arrested and convicted individuals and procedures for eyewitness identification. Following is information on this state's legislative activity on forensic science issues. More information on forensic science policy from all 50 states and the District of Columbia is available on the NCSL [forensic science page](#).



Administration of State Forensic Services ..Govt. Code §§ 411.0205, 411.142

The state administers its forensic services through the Texas Department of Public Safety.

Laboratory Accreditation RequirementsGovt. Code § 411.0205

The state requires accreditation for forensic laboratories in numerous forensic disciplines. A state entity is responsible for issuing accreditation.

State Oversight of Forensic ServicesCrim. Pro. Code § 38.01

The Texas Forensic Science Commission is responsible for oversight of forensic services. The primary purpose of the commission is to develop standards of professionalism for forensic practice. The commission is required to release an annual report. The [2013 report](#) is available.

.....Crim. Pro. Code § 63.066

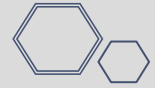
The Advisory Committee on Backlog of Unidentified Human Remains is responsible for prioritizing missing persons funds and cases.

Convicted Offender DNA AnalysisGovt. Code §411.1471

People convicted of any felony or sex crime misdemeanor must submit a DNA sample to state officials.

Arrestee DNA AnalysisGovt. Code § 411.1471

People arrested for various offenses must submit a DNA sample to state officials, depending on their prior convictions. An indictment is required before collection if the collection is not based on prior convictions. The sample is taken at arraignment or booking, depending on prior convictions. Expungement of the sample is automatic.



Post Conviction DNA Analysis.....Crim. Pro. Code §§ 64.01 through .05

The state allows an individual convicted of any offense to apply for post-conviction DNA testing. Their application must show by a preponderance of the evidence that the results of the test would have resulted in non-conviction. Texas code has specifications for the preservation of biological evidence.

**Sexual Assault Evidence and Backlogs.....Govt. Code § 420,
Crim. Pro. Code § 56,
Health & Safety Code § 323**

State laws require training for sexual assault examiners, set standards for the submission of sexual assault evidence by law enforcement, establish protocols for sexual assault evidence collection and set communication standards for law enforcement with victims.

Familial DNA Testing/Partial Match Analysis.....Administrative Action

The state's Department of Public Safety has a [standard operating procedure](#) allowing the use of familial and partial DNA testing when other investigative leads have been exhausted.

Eyewitness Identification Procedures.....Crim. Pro. Code § 38.20

The state requires law enforcement agencies adopt written photo and live lineup identification procedures.
