

National Conference of State Legislatures

~ State Accreditation of Forensic Laboratories ~

Forensic laboratories conduct many different scientific practices including forensic biology, toxicology, controlled substance identification and latent print analysis. The validity of each practice, or its ability to produce accurate results, relies upon the development of meaningful scientific standards and the strict adherence to those standards by practitioners. Accreditation programs are the primary method states use to ensure their laboratories follow best practices. Through accreditation programs, laboratories can be required to use certified forensic analysts, undergo proficiency testing and be held accountable for their mistakes. While being accredited does not mean that a laboratory will never make a mistake, it does certify that they have mechanisms in place to catch and rectify problems quickly. If a lab's accreditation is revoked for one or more forensic disciplines, it identifies that a particular science is being practiced beneath acceptable standards.

According to the most recent [Bureau of Justice Statistics report](#), 83 percent of all forensic laboratories are accredited, including 97 percent of state crime laboratories, 76 percent of county crime laboratories and 56 percent of municipal crime laboratories. At least 10 states—California, Hawaii, Indiana, Maryland, Missouri, Nebraska, New York, North Carolina, Oklahoma and Texas—statutorily require accreditation for some or all sciences conducted at their forensic laboratories.

Most accreditation programs are conducted by non state entities like the [American Society of Crime Laboratory Directors/Laboratory Accreditation Board](#) (ASCLD/LAB)—a non-profit organization specializing in the accreditation of public and private crime laboratories. Even in states that have agencies that issue accreditations—such as Maryland, New York and Texas—the laboratories are often required to be accredited by ASCLD/LAB or a similar organization before the state will issue its accreditation.

Accreditation statutes address which forensic practices must be accredited, which organizations must conduct the accreditation and what standards the evidence must meet to be admissible in court. For example, Missouri law requires all forensic laboratories that submit evidence or testimony to a court in its state to be accredited by an organization approved by its state Department of Public Safety. Similarly, laws in North Carolina, Oklahoma and Texas require the accreditation of labs that submit evidence in criminal proceedings.

Recent Enactments

In 2013 at least four states enacted laws addressing the accreditation of forensic laboratories. Louisiana (HB 1) appropriated funds to maintain its state laboratories' ASCLD/LAB accreditation while North Carolina enacted a law (SB 200) that pushed back a deadline for all municipal laboratories in the state to become accredited from July 2013 to July 2016. Arkansas (HB 1360) made technical changes to statutes guiding its laboratories' operation and Texas (SB 1238) expanded the ability of its forensic science commission to conduct oversight.

State & Statute	Is there a State Agency Issuing Accreditation?	Are Laboratories Required to Be Accredited for Multiple Forensic Disciplines	Are Only DNA Labs Required Accreditation?	Relevant Administrative Codes
California Penal Code §297		Yes		
District of Columbia § 5-1501.06		Yes		
Hawaii §844D-54		Yes		
Indiana §10-13-6-14			Yes	
Maryland Health Code Ann. §17-2A-02	Yes	Yes		Md. Code Regs. § 10.51.02.02
Missouri §650.060		Yes		
Nebraska §§ 71-6833, 81-2010		Yes		Neb. Admin. Code Tit. 272 § 20-006
New York Exec. Law § 995-b	Yes	Yes		9 N.Y. Comp Code Rules and Regs §6190.1 through 6190.6
North Carolina § 8-58.20		Yes		
Oklahoma Tit. 74, §150.37		Yes. Excludes breath tests for alcohol, field testing, crime scene processing, latent print identification, marijuana identification		
Texas Gov. Code §411.0205	Yes	Yes		Tex. Admin. Code Tit. 37 §28.141 through 28.151

Note

1. States or jurisdictions that are not included have no such provisions.

Source: National Conference of State Legislatures, 2013.