

National Conference of State Legislatures

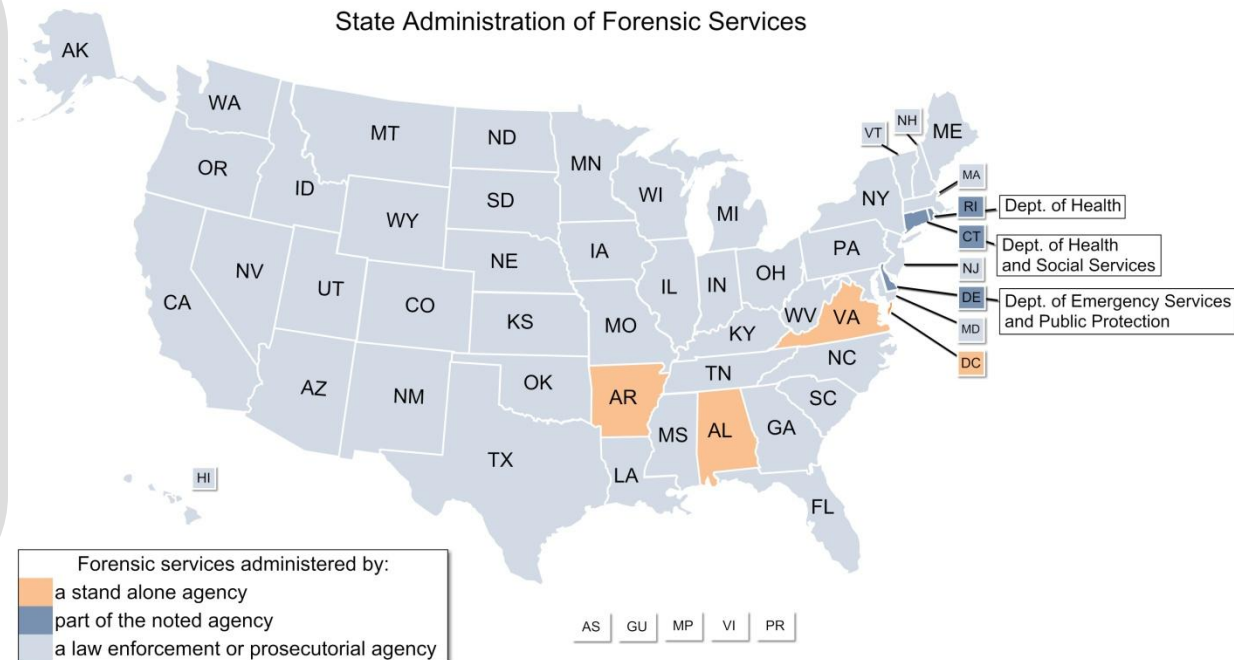
~ Administration of Forensic Science Departments ~

Most state forensic science departments are administered as part of their state's Attorney Generals Office or Department of Public Safety. Six states—Alabama, Arkansas, Connecticut, Delaware, Rhode Island, and Virginia—and the District of Columbia have forensic divisions that operate as an independent agency or as a department within an agency that does not share oversight with prosecutorial or law enforcement services. State legislation has created each independent agency that oversees forensic services: Alabama in 1935, Rhode Island in 1978, Arkansas in 1981, Delaware in 1988, Virginia in 2005, Washington D.C. in 2011 and Connecticut in 2012.

The 2009 National Academy of Sciences report, *Strengthening Forensic Science in the United States*, suggested that administering forensic services with law enforcement agencies or prosecutors offices, may lead to the perception that crime laboratories provide forensic services in a way that is biased towards getting convictions. Those opposed to that point of view contend that forensic analysis is limited to what each test is able to reveal about a piece of evidence and is not biased by what the impact of results will be on a particular case.

Recent Legislation

In 2013, North Carolina lawmakers changed how their state forensic services are administered by enacting SB 402. The law moved their forensic services from the purview of the state bureau of investigation to a different area within the department of justice, to be determined later by their Attorney General. In recent years, this and other legislative changes to the state's forensic services were made to respond to findings that forensic analysis had been misreported in a biased manner by lab analysts. Legislation also changed who forensic labs provide services for from "prosecuting agencies of the state" to "the public and criminal justice system."



State & Statute	Entity Administering Forensic Services	Under Prosecutor or Law Enforcement?	Relevant Administrative Codes
Alabama §§ 36-18-1 through 39	Alabama Department of Forensic Sciences	No	Al. Admin Code Ch. 370
Alaska §§44.41.025, 44.41.035	Department of Public Safety	Yes	
Arizona §§ 41-1771, 2411, 2415, 2418	Department of Public Safety	Yes	
Arkansas §§ 12-12-301, 12-12-1101 through 1120	State Crime Laboratory	No	AR Admin. Code 171.00
California Penal Code §§ 295 through 300.3, 11060	Bureau of Forensic Sciences of the Department of Justice	Yes	
Colorado § 24-33.5-412	Colorado Bureau of Investigation	Yes	
Connecticut §§ 29-7b, 54-102(j)	Division of Scientific Services	No	CT Reg. of State Agencies §§ 54-102j
Delaware Tit. 29 §§ 4708, 4713	Office of Chief Medical Examiner, Forensic Science Laboratory	No	
District of Columbia § 5-1501	Department of Forensic Sciences	No	
Florida §§ 943.04, 943.325	Criminal Justice Investigations and Forensic Science Program, Department of Law Enforcement	Yes	FL Admin. Code r.11D-6
Georgia § 35-3-151	Division of Forensic Sciences, Georgia Bureau of Investigation	Yes	
Hawaii §§ 844D-1, 2, 51 through 57	Police Department of the City of Honolulu	Yes	
Idaho § 19-5503	Bureau of Forensic Services, Idaho State Police	Yes	
Illinois Ch. 60 § 2605/2605-40, Ch. 730 § 5/5-4-3	Department of State Police, Division of Forensic Services	Yes	20 Il. Admin. Code § 1285
Indiana §§ 10-13-6-1 through 22	Department of State Police	Yes	
Iowa § 691.1	Division of Criminal Investigation, Department of Public Safety	Yes	661 Ia. Admin. Code § 150.1(691)

State & Statute	Entity Administering Forensic Services	Under Prosecutor or Law Enforcement?	Relevant Administrative Codes
Kansas §§ 75-712, 21-2511	Kansas Bureau of Investigation	Yes	Ks. Admin. Regs. 10-21
Kentucky § 17.175	Department of Kentucky State Police forensic laboratory	Yes	502 Ky. Admin. Regs. 32:010
Louisiana §§ 15:605, 6, 8	State Police	Yes	La. Admin. Code Tit. 55 pt. 1 § 2701
Maine Tit. 25 §§ 1571 through 1578	Maine State Police Crime Laboratory	Yes	
Maryland Public Safety §2-501 (2013)	Department of State Police	Yes	Md. Code of Regs. Tit. 29 Subtitle 05
Massachusetts Ch. 22E	Department of State Police	Yes	515 Ma. Code of Regs. Ch. 2
Michigan § 28.172	Department of State Police	Yes	Mi. Admin. Code R. 28.5051
Minnesota § 299C.155	Bureau of Criminal Apprehension	Yes	
Mississippi §§ 45-1-27, 45-33-37	Department of Public Safety	Yes	
Missouri § 650.105	Department of Public Safety/ State Highway Patrol	Yes	
Montana §§ 44-3-301, 44-6-101 through 110	Department of Justice	Yes	MT Admin. R. Tit. 23 Ch. 4
Nebraska §§ 81-2010, 29-4104	Nebraska State Patrol	Yes	
Nevada § 176.0913	DNA Database: Department of Corrections	Yes	
New Hampshire §§ 106-B:2-a, 651-C:1 through C:7	State Police	Yes	
New Jersey § 53:1-20.24	Division of State Police	Yes	NJ Admin. Code 13:81
New Mexico §§9-19-7, 29-16-1 through 13	Department of Public Safety	Yes	N.M. Admin. Code 10.14.200
New York Exec. Law §§ 216-a, 995-b, c	Division of State Police	Yes	9 NY Comp Codes Rules and Regs §6190
North Carolina § 114-16	State Bureau of Investigation	Yes	

State & Statute	Entity Administering Forensic Services	Under Prosecutor or Law Enforcement?	Relevant Administrative Codes
North Dakota §§ 54-12-24, 31-13-05	Attorney General	Yes	N.D. Admin. Code 10-17-01
Ohio § 109.52	The Bureau of Criminal Identification and Investigation	Yes	
Oklahoma tit. 74, §§ 150.37, 27a	State Bureau of Investigation	Yes	OK Admin. Code 375:30
Oregon §§ 181.080, .085	Department of State Police	Yes	
Pennsylvania Tit. 44 §§ 2311 through 2323	State Police	Yes	37 PA Admin. Code §58
Rhode Island §§ 12-1.2-2 through 7, 12-1.5-4	Department of Health/ University of Rhode Island	No	RI Admin. Code 31-1-6
South Carolina §§ 23-3-15, 600 through 700	South Carolina Law Enforcement Division	Yes	SC Code of Regs. 73-61
South Dakota §§ 23-3-19.1, 5A-1-32	South Dakota Forensic Laboratory, Office of Attorney General	Yes	
Tennessee §§ 38-6-103, 113	Tennessee Bureau of Investigation	Yes	
Texas Gov't Code §§ 411.0205, 411.142	Department of Public Safety	Yes	37 Tex. Admin. Code § 28
Utah §§ 53-10-402, 406	Bureau of Forensic Services	Yes	
Vermont Tit. 20, §§1931 through 1946	Department of Public Safety	Yes	
Virginia §§ 9.1-1100, 19.2-310.5	Department of Forensic Science	No	6 Va. Admin. Code 40
Washington §§ 43.43.670, .753	Bureau of Forensic Laboratory Services - Washington State Patrol	Yes	WA Admin. Code 446-75
West Virginia §§15-2B-1 through 4	State Police	Yes	WV Code of State Rules 81-9
Wisconsin § §165.75, .77	Department of Justice	Yes	WI. Admin. Code Jus § 9
Wyoming §§ 9-1-611, 7-19-402	Division of Criminal Investigation, Attorney General	Yes	WY. Atty. Gen. CIIR Ch. 1

Source: National Conference of State Legislatures, 2013.