

Assembly Bill No. 1079

CHAPTER 405

An act to add Section 11062 to the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1079, Richardson. Crime laboratories.

Existing law requires the Department of Justice to perform duties in the investigation, detection, apprehension, and prosecution or suppression of crimes.

This bill would require the department, to establish a task force, as specified, to conduct a review of California's crime laboratory system. The task force would be required to review and make recommendations as to how best to configure, fund, and improve the delivery of state and local crime laboratory services in the future and to report its findings to the Department of Finance and specified legislative committees by July 1, 2009. The bill would also set forth related legislative findings.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) There are significant questions regarding the structure, staffing, funding, and workload priorities of California's forensic analysis delivery system. There is also concern that existing law enforcement needs are not being met and that this situation will worsen if not addressed quickly.

(b) Forensic science is an increasingly vital element in the field of law enforcement. This highly specialized work covers at least 10 different specialties and is becoming more sophisticated as our scientific knowledge increases.

(c) Recruitment and retention levels of state criminalists are dwindling as demand for services increases. The state is experiencing a serious shortage of criminalists resulting in a significant backlog in unprocessed DNA samples. This problem will get dramatically worse in 2009 when state law dramatically increases the number of persons subject to DNA testing.

(d) There are no universal standards for certification for criminalists in California nor is there a mandatory requirement that all criminal laboratories meet minimum standards. California currently has 11 Department of Justice

crime laboratories providing services to approximately 40 percent of California's law enforcement agencies. The remaining law enforcement agencies are served by at least 19 local criminal laboratories that fall under the command of a district attorney, sheriff, or police chief.

(e) The creation and growth of crime laboratories in California has evolved over decades without any statewide planning, review, or coordination to maximize the capabilities and effectiveness of these critical assets.

SEC. 2. Section 11062 is added to the Penal Code, to read:

11062. (a) The Department of Justice shall establish and chair a task force to conduct a review of California's crime laboratory system.

(b) The task force shall be known as the "Crime Laboratory Review Task Force." The composition of the task force shall be comprised of a representative of each of the following entities:

- (1) The Department of Justice.
- (2) The California Association of Crime Laboratory Directors.
- (3) The California Association of Criminalists.
- (4) The International Association for Identification.
- (5) The American Society of Crime Laboratory Directors.
- (6) The California Highway Patrol.
- (7) The California State Sheriffs Association, from a department with a crime laboratory.
- (8) The California District Attorneys Association, from an office with a crime laboratory.
- (9) The California Police Chiefs Association, from a department with a crime laboratory.
- (10) The California Peace Officers Association.
- (11) The California Public Defenders Association.
- (12) A private criminal defense attorney organization.
- (13) The Judicial Council, to be appointed by the Chief Justice.
- (14) The Office of the Speaker of the Assembly.
- (15) The Office of the President pro Tempore of the Senate.
- (16) Two representatives to be appointed by the Governor.

(c) The task force shall review and make recommendations as to how best to configure, fund, and improve the delivery of state and local crime laboratory services in the future. To the extent feasible, the review and recommendations shall include, but are not limited to, addressing the following issues:

(1) With respect to organization and management of crime laboratory services, consideration of the following:

(A) If the existing mix of state and local crime laboratories is the most effective and efficient means to meet California's future needs.

(B) Whether laboratories should be further consolidated. If consolidation occurs, who should have oversight of crime laboratories.

(C) If management responsibilities for some laboratories should be transferred.

(D) Whether all laboratories should provide similar services.

- (E) How other states have addressed similar issues.
- (2) With respect to staff and training, consideration of the following:
 - (A) How to address recruiting and retention problems of laboratory staff.
 - (B) Whether educational and training opportunities are adequate to supply the needs of fully trained forensic criminalists in the future.
 - (C) Whether continuing education is available to ensure that forensic science personnel are up-to-date in their fields of expertise.
 - (D) If crime laboratory personnel should be certified, and if so, the appropriate agency to assume this responsibility.
 - (E) The future educational role, if any, for the University of California or California State University systems.
- (3) With respect to funding, consideration of the following:
 - (A) Whether the current method of funding laboratories is predictable, stable, and adequate to meet future growth demands and to provide accurate and timely testing results.
 - (B) The adequacy of salary structures to attract and retain competent analysts and examiners.
- (4) With respect to performance standards and equipment, consideration of the following:
 - (A) Whether workload demands are being prioritized properly and whether there are important workload issues not being addressed.
 - (B) If existing laboratories have the necessary capabilities, staffing, and equipment.
 - (C) If statewide standards should be developed for the accreditation of forensic laboratories, including minimum staffing levels, and if so, a determination regarding what entity should serve as the sanctioning body.
 - (d) The task force shall also seek input from specialized law enforcement disciplines, other state and local agencies, relevant advocacy groups, and the public. The final report shall also include a complete inventory of existing California crime laboratories. This inventory shall contain sufficient details on staffing, workload, budget, major instrumentation, and organizational placement within the controlling agency.
 - (e) The first meeting of the task force shall occur no later than 60 days after the effective date of this act.
 - (f) On or before July 1, 2009, the task force shall submit a final report of its findings to the Department of Finance, and to the budget and public safety committees of both houses.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Given the importance of combating crime in the state in the most efficient and expeditious manner possible, it is necessary that this act take effect immediately.