

ASSEMBLY BILL

No. 239

Introduced by Assembly Member Ammiano

February 3, 2011

An act to amend Section 11062 of the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 239, as introduced, Ammiano. Crime laboratories: oversight.

Existing law requires the Department of Justice to establish and chair a task force known as the Crime Laboratory Review Task Force 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.

This bill would require the task force to submit to the Legislature a supplemental report, by July 1, 2013, that includes a proposal to establish a statewide body to oversee crime laboratories, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 11062 of the Penal Code is amended to
2 read:
3 11062. (a) The Department of Justice shall establish and chair
4 a task force to conduct a review of California's crime laboratory
5 system.

- 1 (b) The task force shall be known as the “Crime Laboratory
2 Review Task Force.” The composition of the task force shall,
3 except as specified in paragraph (16), be comprised of one
4 representative of each of the following entities:
- 5 (1) The Department of Justice.
 - 6 (2) The California Association of Crime Laboratory Directors.
 - 7 (3) The California Association of Criminalists.
 - 8 (4) The International Association for Identification.
 - 9 (5) The American Society of Crime Laboratory Directors.
 - 10 (6) The Department of the California Highway Patrol.
 - 11 (7) The California State Sheriffs’ Association, from a department
12 with a crime laboratory.
 - 13 (8) The California District Attorneys Association, from an office
14 with a crime laboratory.
 - 15 (9) The California Police Chiefs Association, from a department
16 with a crime laboratory.
 - 17 (10) The California Peace Officers’ Association.
 - 18 (11) The California Public Defenders Association.
 - 19 (12) A private criminal defense attorney organization.
 - 20 (13) The Judicial Council, to be appointed by the Chief Justice.
 - 21 (14) The Office of the Speaker of the Assembly.
 - 22 (15) The Office of the President pro Tempore of the Senate.
 - 23 (16) Two representatives to be appointed by the Governor.
- 24 (c) The task force shall review and make recommendations as
25 to how best to configure, fund, and improve the delivery of state
26 and local crime laboratory services in the future. To the extent
27 feasible, the review and recommendations shall include, but are
28 not limited to, addressing the following issues:
- 29 (1) With respect to organization and management of crime
30 laboratory services, consideration of the following:
 - 31 (A) If the existing mix of state and local crime laboratories is
32 the most effective and efficient means to meet California’s future
33 needs.
 - 34 (B) Whether laboratories should be further consolidated. If
35 consolidation occurs, who should have oversight of crime
36 laboratories.
 - 37 (C) If management responsibilities for some laboratories should
38 be transferred.
 - 39 (D) Whether all laboratories should provide similar services.
 - 40 (E) How other states have addressed similar issues.

1 (2) With respect to staff and training, consideration of the
2 following:

3 (A) How to address recruiting and retention problems of
4 laboratory staff.

5 (B) Whether educational and training opportunities are adequate
6 to supply the needs of fully trained forensic criminalists in the
7 future.

8 (C) Whether continuing education is available to ensure that
9 forensic science personnel are up-to-date in their fields of expertise.

10 (D) If crime laboratory personnel should be certified, and, if so,
11 the appropriate agency to assume this responsibility.

12 (E) The future educational role, if any, for the University of
13 California or the California State University.

14 (3) With respect to funding, consideration of the following:

15 (A) Whether the current method of funding laboratories is
16 predictable, stable, and adequate to meet future growth demands
17 and to provide accurate and timely testing results.

18 (B) The adequacy of salary structures to attract and retain
19 competent analysts and examiners.

20 (4) With respect to performance standards and equipment,
21 consideration of the following:

22 (A) Whether workload demands are being prioritized properly
23 and whether there are important workload issues not being
24 addressed.

25 (B) If existing laboratories have the necessary capabilities,
26 staffing, and equipment.

27 (C) If statewide standards should be developed for the
28 accreditation of forensic laboratories, including minimum staffing
29 levels, and if so, a determination regarding what entity should
30 serve as the sanctioning body.

31 (d) The task force also shall seek input from specialized law
32 enforcement disciplines, other state and local agencies, relevant
33 advocacy groups, and the public. The final report also shall include
34 a complete inventory of existing California crime laboratories.
35 This inventory shall contain sufficient details on staffing, workload,
36 budget, major instrumentation, and organizational placement within
37 the controlling agency.

38 (e) The first meeting of the task force shall occur no later than
39 December 9, 2007.

1 (f) On or before July 1, 2009, the task force shall submit a final
2 report of its findings to the Department of Finance and to the
3 budget and public safety committees of both houses of the
4 Legislature.

5 (g) (1) *The task force also shall prepare a supplemental report*
6 *that includes a proposal to establish a statewide body to oversee*
7 *crime laboratories. In preparing the supplemental report, the task*
8 *force shall consider the following:*

9 (A) *The composition of the oversight body, including the number*
10 *of members, process of appointment of the members, and terms of*
11 *their membership.*

12 (B) *The funding, organization, and staffing of the oversight*
13 *body.*

14 (C) *The functions of the oversight body.*

15 (D) *The reporting requirements of the oversight body.*

16 (2) *On or before July 1, 2013, the task force shall submit to the*
17 *Legislature its supplemental report required under paragraph (1).*

18 (3) (A) *The requirement for submitting a report imposed under*
19 *this subdivision is inoperative on July 1, 2017, pursuant to Section*
20 *10231.5 of the Government Code.*

21 (B) *A report to be submitted pursuant to this subdivision shall*
22 *be submitted in compliance with Section 9795 of the Government*
23 *Code.*