

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 239**

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**Introduced by Assembly Member Ammiano**

February 3, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 239, as amended, 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 be reconvened and to submit to the Legislature a supplemental report, on or before July 1, 2013, that includes a proposal regarding the composition of a statewide oversight body to perform tasks relating to crime laboratories, including overseeing investigations into acts of misconduct or negligence committed by any employee or contractor of a crime laboratory, as specified. The bill would include a statement of legislative findings and declarations.

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. The Legislature hereby finds and declares all of  
2 the following:

3 (a) The State of California has benefited from having a large  
4 number of publicly operated crime laboratories, some operated by  
5 the state and others by local government.

6 (b) The state is also served by a number of forensic units housed  
7 in local law enforcement agencies.

8 (c) Currently there is no statewide oversight of publicly operated  
9 crime laboratories in California.

10 (d) The Crime Laboratory Review Task Force was established  
11 by the Department of Justice and made recommendations to the  
12 Department of Finance and to the Legislature regarding the role a  
13 statewide oversight body would play in California. The task force  
14 did not, however, make a recommendation regarding the  
15 composition of that oversight body.

16 SEC. 2. Section 11062 of the Penal Code is amended to read:

17 11062. (a) The Department of Justice shall establish and chair  
18 a task force to conduct a review of California’s crime laboratory  
19 system.

20 (b) The task force shall be known as the “Crime Laboratory  
21 Review Task Force.” The composition of the task force shall,  
22 except as specified in paragraph (16), be comprised of one  
23 representative of each of the following entities:

- 24 (1) The Department of Justice.
- 25 (2) The California Association of Crime Laboratory Directors.
- 26 (3) The California Association of Criminalists.
- 27 (4) The International Association for Identification.
- 28 (5) The American Society of Crime Laboratory Directors.
- 29 (6) The Department of the California Highway Patrol.
- 30 (7) The California State Sheriffs’ Association, from a department  
31 with a crime laboratory.
- 32 (8) The California District Attorneys Association, from an office  
33 with a crime laboratory.
- 34 (9) The California Police Chiefs Association, from a department  
35 with a crime laboratory.
- 36 (10) The California Peace Officers’ Association.
- 37 (11) The California Public Defenders Association.
- 38 (12) A private criminal defense attorney organization.

1 (13) The Judicial Council, to be appointed by the Chief Justice.

2 (14) The Office of the Speaker of the Assembly.

3 (15) The Senate Committee on Rules.

4 (16) Two representatives to be appointed by the Governor.

5 (c) (1) The task force shall review and make recommendations  
6 as to how best to configure, fund, and improve the delivery of state  
7 and local crime laboratory services in the future. The task force  
8 shall be reconvened for the purpose of preparing a supplemental  
9 report to be submitted to the Legislature containing  
10 recommendations regarding the composition of a statewide  
11 oversight body that would perform the following tasks:

12 (A) Implement federal legislation or guidelines imposed directly  
13 on crime laboratories or imposed indirectly as a requirement for  
14 receiving a grant.

15 (B) Oversee investigations into acts of misconduct or negligence  
16 committed by any employee or contractor of a crime laboratory.

17 (C) Collect data generated by investigations in order to  
18 determine the root causes of ~~crimes~~ *crime laboratory errors*.

19 (D) Identify systemic failures and make recommendations for  
20 preventing future problems.

21 (E) Study methods to facilitate communication between  
22 laboratories and stakeholders and draft guidelines for disclosure  
23 and discovery of crime laboratory documents.

24 (F) Make recommendations to the Legislature and local  
25 governmental entities regarding the allocation of resources to crime  
26 laboratories throughout the state to ensure that taxpayers' funds  
27 are maximized and distributed in a more equitable manner.

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

30 (3) (A) The requirement for submitting a report imposed under  
31 this subdivision is inoperative on July 1, 2017, pursuant to Section  
32 10231.5 of the Government Code.

33 (B) A report to be submitted pursuant to this subdivision shall  
34 be submitted in compliance with Section 9795 of the Government  
35 Code.

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