

Assembly Bill No. 239

Passed the Assembly September 8, 2011

Chief Clerk of the Assembly

Passed the Senate September 7, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 239, 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 recommendations 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.

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

SECTION 1. The Legislature hereby finds and declares all of the following:

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

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

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

(d) The Crime Laboratory Review Task Force was established by the Department of Justice and made recommendations to the Department of Finance and to the Legislature regarding the role a statewide oversight body would play in California. The task force

did not, however, make a recommendation regarding the composition of that oversight body.

SEC. 2. Section 11062 of the Penal Code is amended 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, except as specified in paragraph (16), be comprised of one 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 Department of 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 Senate Committee on Rules.
- (16) Two representatives to be appointed by the Governor.

(c) (1) 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. The task force shall be reconvened for the purpose of preparing a supplemental report to be submitted to the Legislature containing recommendations regarding the composition of a statewide oversight body that would perform the following tasks:

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

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

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

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

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

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

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

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

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

Approved _____, 2011

Governor