

TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

ELEVENTH ANNUAL REPORT
December 2021–November 2022



TEXAS FORENSIC SCIENCE COMMISSION
ELEVENTH ANNUAL REPORT
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EXHIBIT LIST

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| Exhibit A | Copy of Texas Code of Criminal Procedure Article 38.01 |
| Exhibit B | FY2023 Budget Plan |
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I. Introduction and Background

This report covers Commission activities from December 1, 2021, through November 30, 2022. The Commission is administratively attached to the Office of Court Administration which publishes an annual report including a section on the Forensic Science Commission. Copies of the Office of Court Administration's annual reports can be found [here](#).

The Texas Legislature created the Commission during the 79th Legislative Session by passing House Bill 1068. HB 1068 amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the Commission. The Commission is required to investigate allegations of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a crime laboratory.¹ The Legislature also requires the Commission to develop and implement a reporting system through which accredited crime laboratories report professional negligence or professional misconduct.² During subsequent legislative sessions, the Texas Legislature further amended the Code of Criminal Procedure to clarify and expand the Commission's jurisdictional responsibilities to include oversight of the State's crime laboratory accreditation and forensic analyst licensing programs.³ The 87th Legislature required the Commission to adopt and publish a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities subject to the Commission's jurisdiction.⁴ The Commission is also actively engaged in various forensic development initiatives and works collaboratively with stakeholders in the criminal justice system to improve education and training in forensic science and the law. For a complete historical perspective on the creation and evolution of the Commission, please see

¹ Tex. Code Crim. Proc. art. 38.01 § 4(1).

² *Id.* at § 4(2).

³ *Id.* at §§ 4-a, 4-d.

⁴ *Id.* at § 3-b.

Section II of the Commission’s first annual report, which may be obtained on the Commission’s website or by emailing Commission staff at info@fsc.texas.gov.

II. Forensic Science Commission Members and Budget

A. Appointments to Date

To date, the FSC has had 33 different Commissioners and currently has 6 full-time staff members and two part-time staff members. Following is a table providing appointment and expiration dates for current members as of November 30, 2022, as well as the basis for each appointment.

Current Members	Original Appointment	Basis for Appointment	Expiration Date
Jeffrey Barnard, MD, <i>Presiding Officer</i>	10/31/2011	University of Texas Faculty (Dallas) Art 38.01, Section 3(a)(4)	09/01/2023
Bruce Budowle, Ph.D.	11/28/2016	UNTHSC/CHI Director— Missing Persons DNA (Fort Worth) Article 38.01, Section 3(a)(7)	09/01/2022 (holdover)
Patrick Buzzini, Ph.D.	04/04/2019	Sam Houston State University Faculty (Huntsville) Article 38.01. Section 3(a)(8)	09/01/2022 (holdover)
Mark Daniel, J.D.	11/28/2016	TCDLA—Defense Counsel (Fort Worth) Article 38.01, Section 3(a)(3)	09/01/2023
Nancy Downing, Ph.D.	11/28/2016	Texas A&M Faculty (College Station) Article 38.01, Section 3(a)(5)	09/01/2022 (holdover)

Jasmine Drake, Ph.D.	11/28/2016	Texas Southern University Faculty (Houston) Article 38.01, Section 3(a)(6)	09/01/2022 (holdover)
Michael Coble, Ph.D.	11/19/2020	Forensic Science Expertise (Biology/DNA) (Fort Worth) Article 38.01, Section 3(a)(1)	09/01/2023
Sarah Kerrigan, Ph.D.	11/28/2016	Forensic Science Expertise (Toxicology) (The Woodlands) Article 38.01, Section 3(a)(1)	09/01/2023
Jarvis Parsons, J.D.	11/28/2016	TDCAA--Prosecutor (Brazos County) Article 38.01, Section 3(a)(2).	09/01/2023

B. Annual Budget

The FSC's FY 2022 annual budget is \$669,991 (\$553,996 (general revenue) with \$115,995 currently available in collected licensing program fees). A copy of the FSC's projected budget for FY 2023, including any unexpended balance and licensing revenue carryover from FY2022 available for use in FY2023 is attached as **Exhibit B**. The Commission will dedicate funds to the following critical priorities during FY2023: (1) funding of staff salary and overhead; (2) complaint and disclosure investigative activities, including contracting with forensic discipline specific subject matter experts; (3) management and administration of the laboratory accreditation program; (4) management and administration of the forensic analyst licensing program; (5) discipline-specific reviews and related training and forensic education initiatives; (6) forensic development, including collaboration with the National Institute of Science and Technologies Organization of Scientific Area Committees (OSAC) on implementing OSAC Registry standards

in Texas; and (7) collaborative training projects with the Texas Court of Criminal Appeals, including training of State crime laboratory managers at Forensic Science Leadership Academy.

III. Summary of Complaints and Self-Disclosures

A. Complaint/Self-Disclosure Tally

Commission staff receives complaints from a range of sources, including but not limited to attorneys (both defense and prosecution), current inmates and their families/friends, national advocacy groups, former laboratory employees, other laboratories and interested members of the public. The Commission relies upon accredited crime laboratories (primarily through its self-disclosure program), attorneys and interested members of the public to bring issues of concern to the Commission's attention. For a complete summary of the Commission's investigative jurisdiction, please see **Section II** of the Commission's seventh annual report.

To date, the Commission has received a total of 372 complaints and 198 self-disclosures, and has disposed of 548 complaints and self-disclosures, either through dismissal, investigation and release of a report, and/or referral to another agency. Of the 570 complaints and self-disclosures received, 59 were received from December 1, 2021, through November 30, 2022. The Commission currently has 22 open complaints/self-disclosures, including 6 active investigations. For a complete spreadsheet detailing the disposition and status of each complaint and self-disclosure, *see Exhibit C*.

B. Complaint/Self-Disclosure Screening Process

The Commission's Complaint and Disclosure Screening Committee conducts an initial review of complaints and disclosures before each meeting as necessary. After discussion, the Committee makes a recommendation on what further action, if any, is merited for each complaint or self-disclosure received. The Committee's opinion is presented to the full Commission for consideration and deliberation during the quarterly meeting.

The Commission reviews allegations of professional negligence or misconduct for those cases involving *accredited* crime laboratories and *accredited* forensic disciplines only. For cases involving *unaccredited* disciplines, the Commission may accept the complaint and issue a report when the Commission determines the review would be an effective use of public resources and is likely to benefit the criminal justice system in Texas. Many complaints are dismissed because they do not satisfy these criteria. Other complaints are dismissed because they lack fundamental information or fail to state an actual complaint regarding forensic analysis as that term is defined in the Texas Code of Criminal Procedure. Finally, the Commission must dismiss any complaint involving the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. *See* TEX. CODE CRIM. PROC. 38.01, § 2(4).

IV. Summary of Pending Complaint and Self-Disclosure Investigations and Final Reports Issued from December 1, 2021, to November 30, 2022

A. Pending Investigations

Two complaints and two self-disclosures are currently pending investigation and/or release of a final report by the Commission as follows: (1) a complaint filed by the University of Colorado Boulder School of Law Criminal Defense Clinic and the National Innocence Project, on behalf of Nanon Williams, alleging misidentification of the caliber of a fired projectile recovered from a murder victim at autopsy and seeking the Commission’s guidance regarding the scope of analysis, reporting and testimony for firearm/toolmark examination; (2) a complaint filed by the Harris County Public Defender’s Office on behalf of defendant Joseph Webster alleging the “positive identification” of a latent palm print obtained from a metal pole at the crime scene is scientifically unsupportable. The complaint also alleges the testimony of the analyst expressing her comparison conclusion included language that exceeds the limits of science; (3) a self-disclosure by the Fort Worth Police Department Crime Laboratory where laboratory records revealed certain proficiency test participants historically completed their proficiency tests *after* the test manufacturer published the

consensus results to the proficiency tests; and (4) a self-disclosure by Bode Technology reporting an incident where a forensic analyst falsified another analyst's signature on a forensic biology case report using a previously signed case report as a template in an effort to expedite a forensic biology case.

Copies of final investigative reports in the complaint and self-disclosure matters described above will be published on the Commission's website upon completion.

B. Final Investigative Reports Issued

During this reporting period, the Commission approved eight (8) final investigative reports related to the following matters: (1) a self-disclosure by NMS Labs regarding CBD to delta-9 THC conversion observed in some cases using the laboratory's hemp/marijuana differentiation method; (2) a complaint by the Harris County Public Defender's Office on behalf of defendant Theodore Schmidt, alleging Dr. Melba Ketchum committed misconduct when she testified in a criminal case regarding the results of canine DNA analysis because the laboratory was not accredited; (3) a self-disclosure by the Fort Worth Police Department Crime Laboratory concerning the hiring of a Forensic Biology/DNA analyst who purposely provided false information about fulfillment of a required molecular biology course on her employment application; (4) a complaint filed by defendant Damon Lewis alleging false and incorrect testimony by a SANE at his child sexual abuse trial; (5) a complaint by defendant James Smiley alleging misconduct in the forensic analysis conducted in his sexual assault case; (6) a complaint by the Philadelphia, PA District Attorney's office, alleging the forensic analysis of a sexual assault survivor's hair sample by Expertox was not scientifically reliable; (7) a self-disclosure by the Houston Forensic Science Center concerning a Forensic Biology/DNA analysis of evidence that was improperly stored, an analyst's trial testimony and post-conviction deposition testimony; and (8) a self-disclosure by the Brazoria County Sheriff's Office Crime Laboratory concerning a history of laboratory nonconformities in

blood alcohol and toxicology casework. Copies of all final investigative reports may be found on the Commission's website [here](#).

V. Forensic Analyst Licensing Developments

A. 2022 Launch of Voluntary Licensure for Unaccredited Forensic Disciplines

Pursuant to its forensic analyst licensing authority in Code of Criminal Procedure § 4-a, the Commission may by rule establish voluntary licensing programs for forensic examinations or tests not subject to mandatory accreditation and licensing requirements. At its July 22, 2022 and October 22, 2022 quarterly meetings, the Commission adopted rules for requirements for voluntary licensure in the forensic disciplines of Document Examination, Forensic Anthropology, Digital/Multimedia Evidence, and Latent Print Examination. Requirements include traditional degree requirements, specific college-level courses including a statistics course, the general forensic analyst licensing exam, and certain critical accreditation components, including routine proficiency monitoring requirements that apply regardless of the employing laboratory's accreditation status. The Commission currently issues voluntary forensic analyst licenses to qualifying Forensic Document Examiners and Forensic Anthropologists. The Commission's rules for voluntary Latent Print Forensic Analyst and Digital Forensic Analyst licenses take effect in mid-March 2023. For information about the requirements for achieving voluntary licensure in any of these areas, please visit the Commission's website [here](#). On the horizon are voluntary licenses in the areas of crime scene reconstruction and crime scene investigation which the Commission's Licensing Advisory Committee plan to discuss at the July 21, 2023 Licensing Advisory Committee meeting.

B. General Forensic Analyst Licensing Exam II

The Commission's Licensing Advisory Committee and staff will fully transition to an updated, remotely administered version of the General Forensic Analyst Licensing Exam referred

to as the General Forensic Analyst Licensing Exam II (GFALE II) on January 1, 2023. Staff and committee members have updated relevant reading and video materials, including articles and textbook excerpts relevant to generally applicable exam topics such as human factors and cognitive bias in forensic science, root cause analysis, expert testimony, disclosure obligations for forensic analysts under *Brady v. Maryland* and Texas' Michael Morton Act, professional responsibility, statistics, and evidence handling. Staff successfully piloted the GFALE II exam in the Fall 2022 (in person) at the Texas International Association of Identification's annual conference in San Antonio, Texas to about 30 conference participants. Staff then piloted the test in five other sessions to other participants to gather data for the Commission's contracted psychometricians to evaluate and finalize the content of the exam. The GFALE I will no longer be available as an option as of January 1, 2023 and license candidates should follow instructions on the Commission's [website](#) to access study materials for and take the GFALE II exam.

VI. Forensic Development/Training Initiatives

A. Hiring of Training and Development Staff Member

In August 2022, the Commission hired part-time staff member Mark Smith to manage the Commission's forensic training and development projects. Smith is the former Vice President from the Center for American and International Law in Plano, Texas. Smith will spearhead many of the Commission's outstanding forensic training projects including the training on DNA Mixture interpretation in March 2023 described in paragraph B. below.

B. DNA Mixture Training

On March 30-31, 2023, the Commission will host a two-day training for DNA technical leaders in Fort Worth, Texas on complicated DNA mixture issues. The training will include discussion by different laboratory technical leaders such as how difficult suitability determinations and decisions are made and documented in the case record at different laboratories across the State.

C. DNA Training for Lawyers and Judges

Currently, the Commission is working with the Court of Criminal Appeals on a regional forensic biology/DNA training for lawyers and judges. The training will highlight relevant issues in DNA mixture interpretation and other current issues in forensic DNA analysis using the facts of a hypothetical criminal case from evidence collection through post-conviction writ proceedings.

D. Presentations/Forensic Development

Staff participated in numerous training and educational presentations for lawyers, judges, and forensic practitioners in Texas and nationally. Leigh Tomlin served as jurisprudence section chairperson for the American Academy of Forensic Sciences Annual Meeting and will continue in this role for the 2024 meeting.

E. ASCLD - National Forensic Leadership Academy

In 2023, the Commission will sponsor over 50 laboratory managers and quality managers from public and private Texas-accredited laboratories to attend the American Society of Crime Laboratory Director's National Forensic Leadership Academy to earn credentials on crime laboratory leadership and management skills. The training program is offered by ASCLD for managerial personnel in forensic science laboratories and specifically designed for forensic crime laboratory leaders working in high quality crime laboratories with strained budgets. The training is highly regarded across the county and offered at two different levels.

F. Training on Universally Applicable Recommendations from Colone Report

On December 19, 2023, Commission General Counsel, Lynn Garcia, will conduct a two-hour training for crime laboratory quality managers that will follow up with a question-and-answer session on the Commission's most recently adopted final investigative report in the [Colone](#) matter where the Commission issued several *universally applicable* recommendations to the forensic

science community and Commission-accredited crime laboratories. The training will describe how these recommendations may be incorporated in an “FSC accreditation checklist” as part of the crime laboratory’s regular accreditation renewal assessment by ANAB and A2LA the next time the laboratory’s accreditation is renewed.

VII. Additional Items Required in Annual Report by Statute

A. Accreditation Update

a. Annual Report Statutory Requirement

As part of its statutory Annual Report requirement, the Commission must describe any forensic method or methodology the Commission designates as part of the accreditation process for crime laboratories.⁵

b. Removal of CAP and SAMHSA as Recognized Accrediting Bodies

At its July 2022 quarterly meeting, the Commission adopted a rulemaking that removed the College of American Pathologists (“CAP”) Forensic Drug Testing Program and the Substance Abuse and Mental Health Services Administration (“SAMHSA”) of the Department of Health and Human Services Administration of the Department of Health and Human Services from its list of recognized accrediting programs for purposes of “criminal actions” involving “forensic analysis,” as those terms are defined in the Texas Code of Criminal Procedure. The Texas Code of Criminal Procedure defines “forensic analysis” as a medical, chemical, toxicologic, ballistic or other examination or test performed on physical evidence, *for the purpose of determining the connection of the evidence to a criminal action.* [emphasis added.] TEX. CODE CRIM. PROC. art. 38.35 (a)(4). The term *does not include* testing conducted principally for the purpose of medical practice, civil or administrative litigation, or other purposes unrelated to determining the connection of physical evidence to a criminal action. *Id.* at (a)(4)(F). The Commission found the remaining Texas

⁵ Tex Code Crim. Proc. art 38.01 § 8(2).

laboratories *solely* accredited by CAP or SAMHSA accreditation primarily conducted testing primarily under these exempt categories, (e.g., clinical or medical purposes). In 2021, the Commission had also exempted from the accreditation requirement confirmatory testing of a human specimen in a laboratory certified by the Centers for Medicare and Medicaid Services of the Department of Health and Human Services (HHS/CMS) under the Clinical Laboratory Improvements Amendments of 1988 (CLIA) for the purposes of referring, offering, or making available treatment or monitoring, conducted by or under a contract with a community supervision and corrections department, the parole division of the Texas Department of Criminal Justice, or Board of Pardons and Paroles, and the results of such testing are subsequently entered into evidence in an action to revise or revoke the terms of an individual's community supervision or parole, and the Commission found laboratories solely accredited by CAP or SAMHSA performed testing already exempted under this category as well. 37 Tex. Admin. Code § 651.7 (2021).

c. Exemption of NIBIN Suitability Determinations and NIBIN Entries

Pursuant to its accreditation authority, the Commission voted at its July 27, 2022 quarterly meeting to exempt the activity of determination of National Integrated Ballistic Information Network (NIBIN) suitability of firearms evidence, limited to triaging or grouping multiple items of evidence for NIBIN entry and assessing a set of test fires for purposes of NIBIN entry, as well as the corresponding NIBIN entry of these items. The proposed amendments exempted certain firearm/toolmark forensic activities related to determination of NIBIN suitability and NIBIN entry performed in any setting but particularly clarified the exemption from accreditation and licensing requirements for law enforcement agencies who perform these activities outside the accredited laboratory setting in collaboration with federal agencies exempt from accreditation and licensing requirements. The changes took effect February 12, 2023.

B. Forensic Analysis Definition

In addition to the explanation of accreditation changes, the Commission's enabling statute also requires a report on recommendations for “best practices concerning the definition of ‘forensic analysis’ provided by statute or by rule” each year. The Commission has not identified any recommendations regarding the statutory definition of “forensic analysis.” The Commission may revise its conclusion on this issue as necessary in future annual reporting periods.

C. Developments in Forensic Science Made or Used in Other State or Federal Investigations and the Activities of the Commission with Respect to Those Developments.

At its October 24, 2019, meeting, the Commission voted to recommend that Texas-accredited crime laboratories voluntarily adopt Organization of Scientific Area Committee (OSAC) Registry standards. OSAC is an organization within the National Institute for Standards and Technology (NIST) that works to strengthen forensic practice through improved standards. OSAC attempts to achieve this goal by: 1) facilitating the development of technically sound, science-based standards through a formal standard developing organization (SDO) process; 2) evaluating existing standards published by SDOs for placement on the OSAC Registry; and 3) promoting the use of OSAC Registry approved standards throughout the national forensic science community. The Commission is working with the OSAC Program Office on methods for encouraging implementation of uniform standards across Texas-accredited crime laboratories. Several laboratories in Texas have implemented OSAC standards either partially or fully, including the Houston Forensic Science Center and the Harris County Institute of Forensic Sciences. OSAC is issuing an implementer certificate to laboratories that have chosen to implement these standards. The Commission plans to publish these certificates on the laboratory's profile with information about which OSAC Registry standards a laboratory has adopted on the Commission's database that is described in Section D. of this report below.

D. Other Relevant Information

Commission staff has worked over the past couple years in collaboration with the Office of Court Administration's Information Technology department in the development of a centralized database linked at www.fsc.texas.gov to increase public access to Commission information. The database now has a live component of the Commission's licensees. Each licensee has a historical and current profile of the person's information about forensic analyst licensure, including forensic disciplines, laboratory employment and printable/downloadable copy of the person's license certificate. Future, searchable components of information that the team plans to include in the database can be seen at the link and include 1) complaints; 2) self-disclosures; 4) accredited crime laboratories (that will be linked to the licensees); 5) reported laboratory quality incidents and nonconformances; and 6) information about OSAC standards implementation described in the previous paragraph. The team is working continuously to prioritize the launch of each component. The OSAC Registry component is expected to be launched by the end of March 2023 and the accredited laboratory component is expected to be launched by mid-April 2023.

EXHIBIT A

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 38. EVIDENCE IN CRIMINAL ACTIONS

Art. 38.01. TEXAS FORENSIC SCIENCE COMMISSION

Sec. 1. CREATION. The Texas Forensic Science Commission is created.

Sec. 2. DEFINITIONS. In this article:

(1) "Accredited field of forensic science" means a specific forensic method or methodology validated or approved by the commission under this article.

(2) "Commission" means the Texas Forensic Science Commission.

(3) "Crime laboratory" has the meaning assigned by Article 38.35.

(3-a) "DNA QA database" means a database maintained by a crime laboratory and used to identify possible contamination or other quality assurance events with respect to a DNA sample.

(3-b) "Elimination sample" means a blood sample or other biological sample or specimen voluntarily provided by the victim of an offense or another individual not involved in the alleged offense whose DNA is likely to be present at the scene of the crime to isolate and identify the DNA of a potential perpetrator.

(4) "Forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action, except that the term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician.

(4-a) "Forensic examination or test not subject to accreditation" means an examination or test described by Article 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

(5) "Office of capital and forensic writs" means the office of capital and forensic writs established under Subchapter B, Chapter 78, Government Code.

(6) "Physical evidence" has the meaning assigned by Article 38.35.

Sec. 3. COMPOSITION. (a) The commission is composed of nine members appointed by the governor as follows:

(1) two members who must have expertise in the field of forensic science;

(2) one member who must be a prosecuting attorney that the governor selects from a list of 10 names submitted by the Texas District and County Attorneys Association;

(3) one member who must be a defense attorney that the governor selects from a list of 10 names submitted by the Texas Criminal Defense Lawyers Association;

(4) one member who must be a faculty member or staff member of The University of Texas who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The University of Texas System;

(5) one member who must be a faculty member or staff member of Texas A&M University who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The Texas A&M University System;

(6) one member who must be a faculty member or staff member of Texas Southern University that the governor selects from a list of five names submitted by the chancellor of Texas Southern University;

(7) one member who must be a director or division head of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database; and

(8) one member who must be a faculty or staff member of the Sam Houston State University College of Criminal Justice and have expertise in the field of forensic science or statistical analyses that the governor selects from a list of five names submitted by the chancellor of the Texas State University System.

(b) Each member of the commission serves a two-year term. The terms expire on September 1 of:

(1) each odd-numbered year, for a member appointed under Subsection (a) (1), (2), (3), or (4); and

(2) each even-numbered year, for a member appointed under Subsection (a) (5), (6), (7), or (8).

(c) The governor shall designate a member of the commission to serve as the presiding officer.

Sec. 3-a. RULES. The commission shall adopt rules necessary to implement this article.

Sec. 3-b. CODE OF PROFESSIONAL RESPONSIBILITY. (a) The commission shall adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article.

(b) The commission shall publish the code of professional responsibility adopted under Subsection (a).

(c) The commission shall adopt rules establishing sanctions for code violations.

(d) The commission shall update the code of professional responsibility as necessary to reflect changes in science, technology, or other factors affecting the persons, laboratories, facilities, and other entities regulated under this article.

Sec. 4. DUTIES. (a) The commission shall:

(1) develop and implement a reporting system through which a crime laboratory may report professional negligence or professional misconduct;

(2) require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the commission; and

(3) investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of:

(A) the results of a forensic analysis conducted by a crime laboratory;

(B) an examination or test that is conducted by a crime laboratory and that is a forensic examination or test not subject to accreditation; or

(C) testimony related to an analysis, examination, or test described by Paragraph (A) or (B).

(a-1) The commission may initiate an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint submitted through the reporting system implemented under Subsection (a)(1), if the commission determines by a majority vote of a quorum of the members of the commission that an investigation of the analysis, examination, or test would advance the integrity and reliability of forensic science in this state.

(b) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is accredited under this article pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation:

(1) must include the preparation of a written report that identifies and also describes the methods and procedures used to identify:

(A) the alleged negligence or misconduct;

(B) whether negligence or misconduct occurred;

(C) any corrective action required of the laboratory, facility, or entity;

(D) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;

(E) best practices identified by the commission during the course of the investigation; and

(F) other recommendations that are relevant, as determined by the commission; and

(2) may include one or more:

(A) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and

(B) follow-up evaluations of the laboratory, facility, or entity to review:

(i) the implementation of any corrective action required under Subdivision (1) (C); or

(ii) the conclusion of any retrospective reexamination under Paragraph (A).

(b-1) If the commission conducts an investigation under Subsection (a) (3) of a crime laboratory that is not accredited under this article or the investigation involves a forensic examination or test not subject to accreditation, the investigation may include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the applicable analysis, examination, or test conducted;

(2) best practices identified by the commission during the course of the investigation; or

(3) other recommendations that are relevant, as determined by the commission.

(b-2) If the commission conducts an investigation of a forensic analysis under Subsection (a-1), the investigation must include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;

(2) best practices identified by the commission during the course of the investigation; and

(3) other recommendations that are relevant, as determined by the commission.

(c) The commission by contract may delegate the duties described by Subsections (a) (1) and (3) and Sections 4-d(b) (1), (b-1), and (d) to any

person the commission determines to be qualified to assume those duties.

(d) The commission may require that a crime laboratory investigated under this section pay any costs incurred to ensure compliance with Subsection (b), (b-1), or (b-2).

(e) The commission shall make all investigation reports completed under Subsection (b), (b-1), or (b-2) available to the public. A report completed under Subsection (b), (b-1), or (b-2), in a subsequent civil or criminal proceeding, is not prima facie evidence of the information or findings contained in the report.

(f) The commission may not make a determination of whether professional negligence or professional misconduct occurred or issue a finding on that question in an investigation initiated under Subsection (a-1) or for which an investigation report may be prepared under Subsection (b-1).

(g) The commission may not issue a finding related to the guilt or innocence of a party in an underlying civil or criminal trial involving conduct investigated by the commission under this article.

(h) The commission may review and refer cases that are the subject of an investigation under Subsection (a) (3) or (a-1) to the office of capital and forensic writs in accordance with Section 78.054(b), Government Code.

Sec. 4-a. FORENSIC ANALYST LICENSING. (a) Notwithstanding Section 2, in this section:

(1) "Forensic analysis" has the meaning assigned by Article 38.35.

(2) "Forensic analyst" means a person who on behalf of a crime laboratory accredited under this article technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory. The term does not include a medical examiner or other forensic pathologist who is a licensed physician.

(b) A person may not act or offer to act as a forensic analyst unless the person holds a forensic analyst license. The commission by rule may establish classifications of forensic analyst licenses if the commission determines that it is necessary to ensure the availability of properly trained and qualified forensic analysts to perform activities regulated by the commission.

(c) The commission by rule may establish voluntary licensing programs for forensic examinations or tests not subject to accreditation.

(d) The commission by rule shall:

(1) establish the qualifications for a license that include:

(A) successful completion of the education requirements established by the commission;

(B) specific course work and experience, including instruction in courtroom testimony and ethics in a crime laboratory;

(C) successful completion of an examination required or recognized by the commission; and

(D) successful completion of proficiency testing to the extent required for crime laboratory accreditation;

(2) set fees for the issuance and renewal of a license; and

(3) establish the term of a forensic analyst license.

(e) The commission by rule may recognize a certification issued by a national organization in an accredited field of forensic science as satisfying the requirements established under Subsection (d)(1)(C) to the extent the commission determines the content required to receive the certification is substantially equivalent to the content of the requirements under that subsection.

(f) The commission shall issue a license to an applicant who:

(1) submits an application on a form prescribed by the commission;

(2) meets the qualifications established by commission rule; and

(3) pays the required fee.

Sec. 4-b. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the licensing of forensic analysts under Section 4-a.

(b) The advisory committee consists of nine members as follows:

(1) one prosecuting attorney recommended by the Texas District and County Attorneys Association;

(2) one defense attorney recommended by the Texas Criminal Defense Lawyers Association; and

(3) seven members who are forensic scientists, crime laboratory directors, or crime laboratory quality managers, selected by the commission from a list of 20 names submitted by the Texas Association of Crime Laboratory Directors.

(c) The commission shall ensure that appointments under Subsection (b)(3) include representation from municipal, county, state, and private crime laboratories that are accredited under this article.

(d) The advisory committee members serve staggered two-year terms, with the terms of four or five members, as appropriate, expiring on August 31 of each year. An advisory committee member may not serve more than two consecutive terms. A vacancy on the advisory committee is filled by

appointing a member in the same manner as the original appointment to serve for the unexpired portion of the term.

(e) The advisory committee shall elect a presiding officer from among its members to serve a one-year term. A member may serve more than one term as presiding officer.

(f) The advisory committee shall meet annually and at the call of the presiding officer or the commission.

(g) An advisory committee member is not entitled to compensation. A member is entitled to reimbursement for actual and necessary expenses incurred in performing duties as a member of the advisory committee subject to the General Appropriations Act.

(h) Chapter 2110, Government Code, does not apply to the advisory committee.

Sec. 4-c. DISCIPLINARY ACTION. (a) On a determination by the commission that a license holder or crime laboratory has committed professional negligence or professional misconduct under this article, violated the code of professional responsibility under this article, or otherwise violated this article or a rule or order of the commission under this article, the commission may, as applicable:

(1) revoke or suspend the person's license or crime laboratory's accreditation;

(2) refuse to renew the person's license or crime laboratory's accreditation; or

(3) reprimand the license holder or crime laboratory.

(b) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the license holder to:

(1) report regularly to the commission on matters that are the basis of the probation; or

(2) continue or review continuing professional education until the license holder attains a degree of skill satisfactory to the commission in those areas that are the basis of the probation.

(c) The commission shall give written notice by certified mail of a determination described by Subsection (a) to the applicable license holder or crime laboratory. The notice must:

(1) include a brief summary of the alleged negligence, misconduct, or violation;

(2) state the disciplinary action taken by the commission; and

(3) inform the license holder or crime laboratory of the license holder's or crime laboratory's right to a hearing before the Judicial

Branch Certification Commission on the occurrence of the negligence, misconduct, or violation, the imposition of a disciplinary action, or both.

(d) Not later than the 20th day after the date the license holder or crime laboratory receives the notice under Subsection (c), the license holder or crime laboratory may accept the disciplinary action or request a hearing by submitting a written request to the Judicial Branch Certification Commission to contest the findings of fact or conclusions of law, the occurrence of the negligence, misconduct, or violation, or the imposition of a disciplinary action, as applicable. If the license holder or crime laboratory fails to timely submit a request, the commission's disciplinary action becomes final and is not subject to review by the Judicial Branch Certification Commission.

(e) If the license holder or crime laboratory requests a hearing, the Judicial Branch Certification Commission shall conduct a hearing to determine whether there is substantial evidence to support the determination under Subsection (a) that the negligence, misconduct, or violation occurred. If the Judicial Branch Certification Commission upholds the determination, the Judicial Branch Certification Commission shall determine the type of disciplinary action to be taken. The Judicial Branch Certification Commission shall conduct the hearing, and any appeal of that commission's decision, in accordance with the procedures provided by Subchapter B, Chapter 153, Government Code, as applicable, and the rules of the Judicial Branch Certification Commission.

Sec. 4-d. CRIME LABORATORY ACCREDITATION PROCESS. (a) Notwithstanding Section 2, in this section "forensic analysis" has the meaning by Article 38.35.

(b) The commission by rule:

(1) shall establish an accreditation process for crime laboratories and other entities conducting forensic analyses of physical evidence for use in criminal proceedings; and

(2) may modify or remove a crime laboratory exemption under this section if the commission determines that the underlying reason for the exemption no longer applies.

(b-1) As part of the accreditation process established and implemented under Subsection (b), the commission may:

(1) establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws;

(2) validate or approve specific forensic methods or methodologies; and

(3) establish procedures, policies, standards, and practices to improve the quality of forensic analyses conducted in this state.

(b-2) The commission may require that a laboratory, facility, or entity required to be accredited under this section pay any costs incurred to ensure compliance with the accreditation process.

(b-3) A laboratory, facility, or entity that must be accredited under this section shall, as part of the accreditation process, agree to consent to any request for cooperation by the commission that is made as part of the exercise of the commission's duties under this article.

(c) The commission by rule may exempt from the accreditation process established under Subsection (b) a crime laboratory conducting a forensic analysis or a type of analysis, examination, or test if the commission determines that:

(1) independent accreditation is unavailable or inappropriate for the laboratory or the type of analysis, examination, or test performed by the laboratory;

(2) the type of analysis, examination, or test performed by the laboratory is admissible under a well-established rule of evidence or a statute other than Article 38.35;

(3) the type of analysis, examination, or test performed by the laboratory is routinely conducted outside of a crime laboratory by a person other than an employee of the crime laboratory; or

(4) the laboratory:

(A) is located outside this state or, if located in this state, is operated by a governmental entity other than the state or a political subdivision of the state; and

(B) was accredited at the time of the analysis under an accreditation process with standards that meet or exceed the relevant standards of the process established under Subsection (b).

(d) The commission may at any reasonable time enter and inspect the premises or audit the records, reports, procedures, or other quality assurance matters of a crime laboratory that is accredited or seeking accreditation under this section.

(e) The commission may collect costs incurred under this section for accrediting, inspecting, or auditing a crime laboratory.

(f) If the commission provides a copy of an audit or other report made under this section, the commission may charge \$6 for the copy, in addition to any other cost permitted under Chapter 552, Government Code, or a rule adopted under that chapter.

Sec. 4-e. DNA QA DATABASE; STORAGE AND REMOVAL OF CERTAIN DNA RECORDS. The commission shall adopt rules:

(1) requiring a DNA QA database to be maintained separately from any other local, state, or federal database, including the CODIS DNA database established by the Federal Bureau of Investigation;

(2) prohibiting a crime laboratory from uploading or storing a DNA record created from an elimination sample, or any other information derived from that record, in any database other than the DNA QA database maintained by the crime laboratory;

(3) prohibiting a crime laboratory from allowing any other person to access the crime laboratory's DNA QA database; and

(4) requiring each crime laboratory that maintains a DNA QA database to, not later than three months after the date on which a forensic DNA analysis of an elimination sample is completed, remove from the DNA QA database the DNA record created from the elimination sample and any other information derived from that record that is contained in the database.

Sec. 5. REIMBURSEMENT. A member of the commission may not receive compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 6. ASSISTANCE. The Texas Legislative Council, the Legislative Budget Board, and The University of Texas at Austin shall assist the commission in performing the commission's duties.

Sec. 7. SUBMISSION. The commission shall submit any report received under Section 4(a)(2) and any report prepared under Section 4(b)(1) to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1 of each even-numbered year.

Sec. 8. ANNUAL REPORT. Not later than December 1 of each year, the commission shall prepare and publish a report that includes:

(1) a description of each complaint filed with the commission during the preceding 12-month period, the disposition of each complaint, and the status of any complaint still pending on December 31;

(2) a description of any specific forensic method or methodology the commission designates as part of the accreditation process for crime laboratories established by rule under this article;

(3) recommendations for best practices concerning the definition of "forensic analysis" provided by statute or by rule;

(4) developments in forensic science made or used in other state or federal investigations and the activities of the commission, if any, with respect to those developments; and

(5) other information that is relevant to investigations involving forensic science, as determined by the presiding officer of the commission.

Sec. 9. ADMINISTRATIVE ATTACHMENT TO OFFICE OF COURT ADMINISTRATION.

(a) The commission is administratively attached to the Office of Court Administration of the Texas Judicial System.

(b) The Office of Court Administration of the Texas Judicial System shall provide administrative support to the commission as necessary to enable the commission to carry out the purposes of this article.

(c) Only the commission may exercise the duties of the commission under this article. Except as provided by Subsection (b), the Office of Court Administration of the Texas Judicial System does not have any authority or responsibility with respect to the duties of the commission under this article.

Sec. 10. OPEN RECORDS LIMITATION. Information that is filed as part of an allegation of professional misconduct or professional negligence or that is obtained during an investigation of an allegation of professional misconduct or professional negligence is not subject to release under Chapter 552, Government Code, until the conclusion of an investigation by the commission under Section 4.

Sec. 11. REPORT INADMISSIBLE AS EVIDENCE. A written report prepared by the commission under this article is not admissible in a civil or criminal action.

Sec. 12. COLLECTION OF CERTAIN FORENSIC EVIDENCE. The commission shall establish a method for collecting DNA and other forensic evidence related to unidentified bodies located less than 120 miles from the Rio Grande River.

Sec. 13. TEXAS FORENSIC SCIENCE COMMISSION OPERATING ACCOUNT. The Texas Forensic Science Commission operating account is an account in the general revenue fund. The commission shall deposit fees collected under Section 4-a for the issuance or renewal of a forensic analyst license to the credit of the account. Money in the account may be appropriated only to the commission for the administration and enforcement of this article.

Sec. 14. FUNDING FOR TRAINING AND EDUCATION. The commission may use appropriated funds for the training and education of forensic analysts.

Added by Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 782 (S.B. 1238), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 782 (S.B. 1238), Sec. 2, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 782 (S.B. 1238), Sec. 3, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 782 (S.B. 1238), Sec. 4, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1215 (S.B. 1743), Sec. 8, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1215 (S.B. 1743), Sec. 9, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 3, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 4, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 5, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 6, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 7, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 212 (S.B. 1124), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 24.001(4), eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1115 (S.B. 298), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 574 (S.B. 284), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 10.01, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 10.02, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 10.03, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 10.04, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 10.05, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 10.06, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 742 (H.B. 3506), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 742 (H.B. 3506), Sec. 2, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 12.004, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1149 (S.B. 991), Sec. 1, eff. September 1, 2023.

Art. 38.02. EFFECT UNDER PUBLIC INFORMATION LAW OF RELEASE OF CERTAIN INFORMATION. A release of information by an attorney representing the state to defense counsel for a purpose relating to the pending or reasonably anticipated prosecution of a criminal case is not considered a voluntary release of information to the public for purposes of Section 552.007, Government Code, and does not waive the right to assert in the future that the information is excepted from required disclosure under Chapter 552, Government Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 630 (H.B. 1360), Sec. 1, eff. June 19, 2009.

Art. 38.03. PRESUMPTION OF INNOCENCE. All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that he has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at his trial.

Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Amended by Acts 1981, 67th Leg., p. 2247, ch. 539, Sec. 1, eff. June 12, 1981.

Art. 38.04. JURY ARE JUDGES OF FACTS. The jury, in all cases, is the exclusive judge of the facts proved, and of the weight to be given to the testimony, except where it is provided by law that proof of any particular fact is to be taken as either conclusive or presumptive proof of the

EXHIBIT B

BUDGET STATUS REPORT FY23 FIRST QUARTER
09/21/22

Category	Description	YTD	Projected	Current Remaining	% Total Budget	% Projected Used	% Projected Remaining
FY23 Expenditures							
Staff salaries							
	<i>All labor costs for 6 full-time employees and 1 part-time employee (includes longevity, EAP, Payroll Health Contributions, Payroll Retirement Contributions, and workers comp. for all 7 employees)</i>	48,274.17	567,770.00	519,495.83	77.55%	8.50%	91.50%
Travel for Commissioners, Licensing Advisory Committee Members and Staff							
	<i>Travel reimbursements</i>	776.06	40,000.00	39,223.94	5.46%	1.94%	98.06%
Conference/Training Fees/Membership Fees - Staff							
	<i>All employee conference and professional membership fees</i>	-	6,000.00	6,000.00	0.82%	0.00%	100.00%
Office Supplies							
	<i>Office Supplies (file folders, copy paper, batteries, envelopes, etc.)</i>	-	2,300.00	2,300.00	0.31%	0.00%	100.00%
IT Services FY23							
	<i>WBT Systems - TopClass Licensing Software - Annual Maintenance Fee</i>	9,600.00	9,600.00	-	1.31%	100.00%	0.00%
	<i>WBT Systems - Change Requests/Other Items</i>	5,696.00	9,000.00	3,304.00	1.23%	63.29%	36.71%
General Operating Expenses (copier, phone, internet, other utilities, including \$30K administrative fee to Office of Court Administration) FY22							
	Encumbered Operating Expenses						
	<i>Administrative Fee - OCA</i>	30,000.00	30,000.00	-	4.10%	100.00%	0.00%
	<i>DocuSign</i>	2,170.92	2,170.92	-	0.30%	100.00%	0.00%
	<i>Xerox</i>	2,362.32	2,362.32	-	0.32%	100.00%	0.00%
	<i>Xerox Copies/Overages</i>	2,000.00	2,000.00	-	0.27%	100.00%	0.00%
	<i>Verizon</i>	1,367.64	1,367.64	-	0.19%	100.00%	0.00%
	<i>ATT (1-800 numbers and data)</i>	955.88	955.88	-	0.13%	100.00%	0.00%
	<i>DIR</i>	1,680.85	1,680.85	-	0.23%	100.00%	0.00%
	<i>Lexis Research</i>	1,376.40	1,376.40	-	0.19%	100.00%	0.00%
	<i>Dropbox</i>	211.08	211.08	-	0.03%	100.00%	0.00%
	<i>CenturyLink</i>	10.00	10.00	-	0.00%	100.00%	0.00%
	<i>Parking</i>	600.00	600.00	-	0.08%	100.00%	0.00%
	<i>Texas Directory</i>	8.95	8.95	-	0.00%	100.00%	0.00%
	<i>Prezi</i>	907.48	907.48	-	0.12%	100.00%	0.00%
	<i>Code of Criminal Procedure Desk Reference 2022</i>	550.00	550.00	-	0.08%	100.00%	0.00%

**BUDGET STATUS REPORT FY23 FIRST QUARTER
09/21/22**

	<i>Leankit</i>	1,408.00	1,408.00	-	0.19%	100.00%	0.00%
Mailing/Fedex/PO Box							
	<i>Mail Service Costs (including annual PO Box fee)</i>	1,100.00	1,100.00	-	0.15%	100.00%	0.00%
Training and Forensic Development							
	<i>National Forensic Leadership Academy</i>	-	30,000.00	30,000.00	4.10%	0.00%	100.00%
	<i>DNA Training for Lawyers</i>	-	5,000.00	5,000.00	0.68%	0.00%	100.00%
	<i>Scientific Literacy Project</i>	-	3,000.00	3,000.00	0.41%	0.00%	100.00%
	<i>Understanding STRMix Training (Jo Bright Travel)</i>	-	6,000.00	6,000.00	0.82%	0.00%	100.00%
	<i>OSAC Registry Standards Implementation Initiatives</i>	-	5,000.00	5,000.00	0.68%	0.00%	100.00%
Investigative Costs							
	<i>Brazoria County Tox/SD SME</i>	-	20,000.00	20,000.00	2.73%	0.00%	100.00%
	<i>Langenburg Webster Investigation SME</i>	-	15,000.00	15,000.00	2.05%	0.00%	100.00%
	<i>Other Investigative Costs, eg, transcripts</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
	<i>Other SME's for Future Investigations</i>	-	25,000.00	25,000.00	3.41%	0.00%	100.00%
Voluntary Licensure Development							
	<i>Voluntary Licensure Initiative Outreach</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
Accreditation Program							
	<i>Accreditation Program Development Initiatives (FSC/ANAB Checklist Development)</i>	-	2,000.00	2,000.00	0.27%	0.00%	100.00%
	<i>FSC staff accreditation assessment observation costs (travel)</i>	-	2,500.00	2,500.00	0.34%	0.00%	100.00%
Licensing Program							
	<i>ACS Ventures/Psychometric testing</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
	<i>Licensing stickers for embossment</i>	-	238.15	238.15	0.03%	0.00%	100.00%
	<i>Shipping for certificates and stickers</i>	-	19.48	19.48	0.00%	0.00%	100.00%
	<i>Public Data - Criminal History Search Subscription</i>	250.00	250.00	-	0.03%	100.00%	0.00%
	<i>Licensing Card Printing</i>	-	1,000.00	1,000.00	0.14%	0.00%	100.00%
	<i>SHSU Respondus/Blackboard Remote Testing</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
	<i>SHSU Video Recording Costs/Legal and PR Training Reproduction</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%

BUDGET STATUS REPORT FY23 FIRST QUARTER
09/21/22

FY23 Revenue							
	<i>Current licensing fee revenues FY23</i>	-	13,980.00				
		\$ 111,305.75	\$ 846,387.15	\$ 735,081.40		13.15%	86.85%
FY23 Budget Totals							
	<i>FY23 Budget Appropriation</i>	\$ 553,937.00					
	<i>UB FY2022</i>	\$ 172,856.74					
	<i>Licensing Revenue Carryover plus + FY23</i>	\$ 174,103.90					
Total Expendable Budget FY23		\$ 900,897.64					

EXHIBIT C

Texas Forensic Science Commission Case List 12/1/2021-11/30/2022

FILE NO.	COMPLAINT	DISCLOSURE	DOC DATE	DATE REC'D	COMPLAINANT/LAB	SUBJECT LAB	DISCIPLINE	STATUS
21.65		X	12/2/21	12/2/21	DPS Houston		Seized Drugs	NFA- Closed
21.66		X	11/19/21	11/19/21	HFSC		Forensic Biology/DNA	NFA- Closed
21.67		X	12/13/21	12/13/21	Bexar Co CIL		Forensic Biology/DNA exp reagent	NFA- Closed
21.68		X	12/13/21	12/13/21	Bexar Co CIL		Firearms/Tool Marks	NFA- Closed
21.69		X	12/23/21	12/23/21	NMS Labs		Toxicology	NFA- Closed
21.70	X		10/14/21	12/28/21	James Floyd	UNTHSC	Forensic Biology/DNA	Dismissed
21.71	X		12/9/21	12/28/21	Michael Royal	None provided	BPA; Forensic Biology/DNA	Dismissed
21.72		X	11/19/21	11/19/21	Brazoria Co SD		Blood Alcohol	Accepted
22.01		X	1/6/22	1/6/22	HFSC		Forensic Biology/DNA Testimony	NFA- Closed
22.02		X	1/11/22	1/11/22	UNTCHI		Multiple- Freezer Issue	NFA- Closed
22.03	X		12/28/21	1/6/22	John W. Banos	DPS Garland	Forensic Biology/DNA	Dismissed
22.04	X		1/3/22	1/6/22	Earl Eugene Bryant	SANE Kimberly Ann Light	SANE Examination & Testimony	Dismissed
22.05	X		12/30/21	1/13/22	Frank Wilkins	DPS Austin	None provided	Dismissed
22.06		X	2/2/22	2/2/22	NMS Labs		Seized Drugs	NFA- Closed
22.07		X	2/3/22	2/3/22	DPS Austin		Forensic Biology/DNA	NFA- Closed
22.08		X	2/8/22	2/8/22	Bexar Co CIL		Forensic Biology/CODIS	NFA- Closed
22.09	X		1/27/22	3/2/22	Tommy Ray King	SWIFS	Forensic Biology/DNA	Dismissed
22.10	X		2/16/22	3/2/22	Jeremy Williams	SWIFS	Autopsy	Dismissed
22.11		X	2/25/22	3/4/22	Ft. Worth PD		Firearms/Tool Marks	NFA- Closed
22.12		X	3/7/22	3/7/22	Bexar Co CIL		Seized Drugs	NFA- Closed
22.13	X		2/7/22	2/17/22	Charles Martin	Orchid Cellmark/NMS	Forensic Biology/DNA	Dismissed
22.14	X		2/21/22	3/22/22	Curtis Yarbrough	HCIFS	Forensic Biology/DNA	Dismissed
22.15		X	3/25/22	3/28/22	Austin PD FSB		Firearms/Tool Marks	NFA- Closed
22.16	X		4/1/22	4/1/22	Maggie Kiely	RSA (Missouri Lab)	Latent Fingerprints	Accepted
22.17		X	4/4/22	4/4/22	Ft. Worth PD		Multiple	Accepted
22.18		X	4/7/22	4/7/22	HFSC- Colone case		Forensic Biology/DNA	Accepted- closed
22.19		X	4/20/22	4/20/22	Tarrant Co ME		Materials (Trace)	ACCREDITATION
22.20	X		3/18/22	4/22/21	Richard James Patz	HCIFS	Forensic Biology/DNA	Dismissed
22.21	X		no date	4/22/22	Andre Demond Webb	APD	Forensic Biology/DNA	Dismissed
22.22	X		5/10/22	5/10/22	Daniel St. Clair	FWPDCL	Firearms/Tool Marks	Dismissed
22.23		X	5/18/22	5/18/22	Brazoria Co SD		Seized Drugs- Expired Chemicals	Accepted
22.24		X	5/18/22	5/18/22	Brazoria Co SD		Seized Drugs- Wrong Lot No.	NFA- Closed
22.25		X	5/18/22	5/18/22	Brazoria Co SD		Seized Drugs- Std Verification	NFA- Closed
22.26	X		4/25/22	5/12/22	Peter Dolan	Hermann Hospital	Sexual Assault Kit	Dismissed
22.27	X		5/10/22	5/26/22	Gerald Jerod Durden	HCIFS	Forensic Biology/DNA	Dismissed
22.28	X		5/00/2022	5/26/22	Jordan Damale Benson	DPS Garland	Forensic Biology/DNA	Dismissed
22.29		X	5/25/22	5/25/22	NMS Labs (Grand Prairie)		Unknown	NFA- Closed
22.30	X		5/30/22	5/30/22	Mark Thiessen	DPS Houston/Tifani Parker	Blood Alcohol	Dismissed
22.31	X		5/25/22	6/2/22	Christopher E. Wimberly	Henry Garza- DA Bell Co.	Eyewitness ID	Dismissed
22.32		X	6/3/22	6/3/22	HFSC		Forensic Biology/CODIS	NFA- Closed
22.33		X	6/6/22	6/6/22	DPS Weslaco		Forensic Biology/DNA	NFA- Closed
22.34	X		6/5/22	6/5/22	Shakivia Ivory	HFSC	Forensic Biology/DNA	to DNA Review Team
22.35		X	6/1/22	6/1/22	Tarrant Co ME		Seized Drugs	NFA- Closed
22.36	X		6/20/22	7/11/22	Melvin Harris	Georgia Bureau of Investigation	Forensic Biology/DNA	Staff dismissal
22.37	X		6/19/22	7/11/22	Otis Johnson	SWIFS, Heather Thomas	Firearms/Tool Marks	Dismissed
22.38	X				Derek Comley	Armstrong	Seized Drugs	Dismissed
22.39		X	8/16/22	8/16/22	Bode Technology		Forensic Biology/DNA	Accepted
22.40	X		8/23/22	8/23/22	Meda Nix	DPS Austin	Breath Alcohol	Tabled
22.41		X	8/25/22	8/25/22	Bexar Co CIL		Seized Drugs	NFA- Closed
22.42	X		8/26/22	9/6/22	Detrick Deroven	Bexar Co CIL; Bexar Co DA	Fingerprint Analysis	Dismissed
22.43		X	8/5/22	8/5/22	NMS Labs (Horsham)		Toxicology	NFA- Closed
22.44	X		9/6/22	9/16/22	Kenneth August	None specified	Crime Scene	Dismissed
22.45	X		9/29/22	10/23/22	Tommy Ray King	Dallas PD	Forensic Biology/DNA	Dismissed
22.46	X			9/9/22	Richard Allen Hyland	Unknown	Blood Alcohol	Dismissed
22.47	X		11/6/22	11/15/22	Mark Anthony Rodriguez	DPS Lubbock	Forensic Biology/DNA	Dismissed
22.48	X		10/18/22	10/30/22	Roberto Alcalá	Tarrant Co ME	Wants DNA results from lab	Dismissed
22.49	X		11/1/22	11/21/22	Arthur Eugene Henderson	SWIFS	Toxicology	Dismissed
22.50		X	11/22/22	11/22/22	DPS Waco		Seized Drugs/Melanie Washington	NFA- Closed
22.51		X	11/22/22	11/22/22	DPS Waco		Forensic Biology/DNA; Amy Powell	NFA- Closed

Combined w 21.72

DPS IG Investigating