

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 790

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Pre-filed December 1, 2007, and ordered printed.

Read 2nd time January 10, 2008, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee March 6, 2008, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 31, 2008. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

3290S.02P

AN ACT

To amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 650, RSMo, is amended by adding thereto one new
2 section, to be known as section 650.059, to read as follows:

**650.059. 1. There is hereby established within the department of
2 public safety a "Crime Laboratory Review Commission" to provide
3 independent review of any state or local Missouri crime laboratory
4 receiving any amount of state-administered funding.**

5 **2. The commission shall consist of nine members who shall be
6 citizens of this state, including one senior manager from a crime
7 laboratory within the state that is accredited by a body approved by
8 the department of public safety, one licensed law enforcement officer
9 employed in a management position, one prosecuting attorney, one
10 criminal defense attorney, one crime victims' advocate, the director of
11 the department of public safety or his or her designee, one retired or
12 active Missouri judge, one faculty member of an institution of higher
13 education within the state who teaches science, and one public member
14 with expertise in forensic science that was obtained either through
15 educational or work-related experience.**

16 **3. Except for the director of the department of public safety or**

17 his or her designee, the members shall be appointed by the governor
18 with the advice and consent of the senate. For the initial term, the
19 prosecuting attorney, criminal defense attorney, and crime victims'
20 advocate shall serve a term of two years. The law enforcement officer,
21 judge, and higher education faculty member shall serve a term of four
22 years while the crime laboratory senior manager and public member
23 shall serve a term of six years. Thereafter, all appointments for
24 members shall be for six years. Except for the director of the
25 department of public safety or his or her designee, any vacancy shall
26 be filled by appointment for the unexpired term and each member of
27 the board shall hold office until such member's successor is appointed
28 and qualified.

29 4. Except when the member no longer meets the qualifications
30 for which he or she was appointed to the commission, a member of the
31 commission is removable by the governor only for just cause, after
32 being given a written notice setting forth in substantial detail the
33 charges against the member and an opportunity to be heard publicly on
34 the charges before the governor. A copy of the charge and a transcript
35 of the record of the hearing shall be filed with the secretary of state. If
36 a member no longer meets the qualifications for which he or she was
37 appointed, the member shall be removed by the governor without
38 further action.

39 5. The members of the commission shall not receive
40 compensation for their services other than to receive reimbursement
41 costs directly associated with the execution of their commission duties.

42 6. The director of the department of public safety or his or her
43 designee shall serve as chairman of the commission. The commission
44 shall meet at least annually to review the current status of crime
45 laboratories in this state. Five members of the commission shall
46 constitute a quorum.

47 7. For the purposes of this section, the term "crime laboratories"
48 shall mean any forensic science laboratory operated or supported
49 financially by the state or any unit of city, county, or other local
50 Missouri government, and employs at least one scientist who examines
51 physical evidence in criminal matters and provides expert or opinion
52 testimony with respect to such physical evidence in a state court of
53 law.

54 **8. The commission shall have the power to:**

55 **(1) Assess the capabilities and needs of Missouri crime**
56 **laboratories, as well as their ability to deliver quality forensic services**
57 **in a timely manner to law enforcement agencies in the state of**
58 **Missouri, and make recommendations for improvements to such**
59 **services;**

60 **(2) Authorize independent external investigations into**
61 **allegations of serious negligence or misconduct committed by**
62 **employees or contractors of the laboratory system substantially**
63 **affecting the integrity of forensic results. The commission shall solicit**
64 **input and guidance from any appropriate expert as it deems necessary**
65 **in the investigation process;**

66 **(3) Appoint members to inspection or investigative teams to**
67 **assist in carrying out the duties described in subdivisions (1) and (2) of**
68 **this subsection;**

69 **(4) Issue reprimands to crime laboratories and to employees or**
70 **contractors of crime laboratories found to be negligent or engaging in**
71 **misconduct in the execution of their responsibilities;**

72 **(5) Make recommendations for changes in procedure of crime**
73 **laboratories found to be negligent in the execution of their**
74 **responsibilities; and**

75 **(6) Issue reports to the department of public safety summarizing**
76 **any findings of negligence or misconduct of a crime laboratory or an**
77 **employee or contractor of a crime laboratory and making**
78 **recommendations regarding revocation or suspension of grant funding**
79 **that the commission deems warranted.**

80 **9. The commission shall submit an annual report to the governor**
81 **summarizing its activities and any suggestions to improve the crime**
82 **laboratory system in this state.**

83 **10. The department of public safety shall have the authority to**
84 **revoke any grant money from a crime laboratory if the laboratory does**
85 **not cooperate with the commission or if allegations of serious**
86 **misconduct or negligence are substantiated by the commission.**