

March 28, 2023

Honorable Senator Whitmire  
Senate Criminal Justice Committee  
1100 Capitol Avenue  
Capitol Office Room E1.308 Austin, TX 78768

Testimony for SB991

Dear Senator Whitmire and Committee,



**TACLD**

Texas Association of  
Crime Laboratory  
Directors



**HOUSTON FORENSIC  
SCIENCE CENTER**

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Both TACLD and HFSC are in support of SB 991. This bill helps address a chronic and growing infrastructure challenge laboratories and stakeholders face trying to ensure the availability of potentially disclosable information. Under the Michael Morton Act, the State has disclosure obligations relating to records a laboratory might generate that could be considered exculpatory, impeachment or mitigating. Most labs produce discovery by request and do not have the capacity or infrastructure to provide real-time discovery documents on everything we report. Our current manual systems lack the efficiency needed for the criminal justice system to do this well. It is also decentralized and expensive to maintain year after year.

The creation of a statewide discovery portal for case documents will ultimately make the job of the stakeholders and crime laboratories easier and provide a mechanism for transparency that will assist in promoting justice in Texas. The portal will reduce the risk of potentially relevant information not being produced for consideration during the plea process or trial. Laboratories most often cannot determine what documents in their possession might be "Brady" material and certainly do not know when that information may or may not be relevant to the circumstances of the case. Only the lawyers in a case can possibly make this assessment. This portal would facilitate a more robust and fair dissemination of that information for stakeholder review.

Implementing this will be a significant challenge for labs. Even with support of DPS to build the portal, labs around the state will need substantial time and money to improve internal systems to be able to produce and move records to this portal in an effective manner. But this investment is worth the effort, time and cost. At HFSC we have seen a sharp rise in the demand for documents in cases and this is creating a significant drain on resources. We know firsthand what is occurring in labs all over the state. We need a modern and efficient solution.

Thank you for your continued support of crime laboratories in this state. This is yet another place where Texas is leading the nation in the improvement of how forensics is practiced.

Sincerely,

Peter Stout, Ph.D., F-ABFT  
CEO and president, Houston Forensic Science Center  
President, Texas Association of Crime Laboratory Directors