

March 4, 2019

Representative Victoria Neave  
Room E2.208  
Capitol Building  
Austin, Texas 78701



**HOUSTON FORENSIC  
SCIENCE CENTER**  
500 Jefferson Street, 13<sup>th</sup> Floor  
Houston, Texas 77002  
(713) 929-6760

Dear Representative Neave,

As a practitioner forensic laboratory, the Houston Forensic Science Center (HFSC) appreciates the premise behind HB 8, an omnibus bill meant to improve Texas' handling of sexual assault cases by addressing several different parts of the process.

In theory, the proposed changes would be beneficial to the overall adjudication of sexual assaults, however, much of it cannot occur without additional resources and research.

Following are some comments regarding the different aspects of the bill:

- 1) Section 1: It is important the clock start ticking on the statute of limitations on sexual assault cases **after** biological evidence has been processed. This would help address some of the issues that arise throughout the justice system due to large backlogs in crime laboratories statewide.
- 2) Section 2: Retention of biological evidence for no less than 40 years should be an achievable goal, though it is possible some crime laboratories or law enforcement agencies might need additional resources to comply and the same is true for (c-1), which requires the contents of a sexual assault evidence kit to be retained for 50 years.
- 3) Section 6 (b): Giving law enforcement agencies seven days to take possession of sexual assault evidence collected at a hospital may not be realistic at this time without additional resources. This section also does not address the logistical difficulties more rural areas face or that there are several locations in Texas where crime laboratories take direct possession of such evidence.
- 4) Section 7 (c): This section places a 90-day deadline on crime laboratories to complete DNA analysis of sexual assault evidence. This is more realistic than some of the other proposals that put a 60-day deadline on this type of analysis, but many crime laboratories, including the state's DPS lab, would need additional resources to achieve and maintain this turnaround time. In addition, this section talks about "other sex offenses" and needs to be more specific to prevent crime laboratories from receiving evidence that is inappropriate for DNA analysis.
- 5) Sec. 420.043.: This section requires eligible DNA profiles to be uploaded into the database within 30 days of analysis. This is a crucial step in the DNA process, however, this will not yield consistent results statewide until a review is conducted to understand how crime laboratories are handling local databases and whether investigators are receiving and

understanding the information they are given. Rep. Donna Howard has submitted a rider that would require such an audit. If that is approved, this portion of the bill becomes realistic and recommended for implementation after the audit has been completed and any improvements made.

- 6) Sec. 420.045: This section requires an audit of sexual assault evidence statewide and a provides a timeline for completing the DNA analysis of biological evidence. This is recommended if the budget presented by the Senate for the DPS laboratory along with the House riders that provide additional funding are all approved. Without those resources this provision is unrealistic.

In short, HFSC believes crime laboratories have an obligation to provide stakeholders with “the right answer at the right time,” meaning testing results should reach them when the information is still relevant to the investigation and the trial. However, crime laboratories have long been under-resourced and until that is addressed implementation of HB 8 cannot occur.

The House and Senate both have made budgetary recommendations that if approved provide Texas with a historic opportunity to address these longstanding issues. Those budget dollars alongside HB 8 would make Texas a model for the nation on how to begin addressing backlogs and resource constraints that have plagued forensics for decades having an adverse impact on the entire justice system.

Sincerely,



Peter Stout, PhD

CEO and president

Houston Forensic Science Center