

1 H.688

2 Introduced by Representative Lippert of Hinesburg

3 Referred to Committee on

4 Date:

5 Subject: Public safety; criminal procedure; crime lab accreditation

6 Statement of purpose: This bill proposes to require the state crime lab and all  
7 laboratories, facilities, and entities that conduct forensic analyses to be  
8 accredited by an organization involved in forensic science which has  
9 substantial expertise in accrediting forensic laboratories. The bill also  
10 proposes to prohibit any forensic analysis from being admissible in court  
11 unless it has been conducted at an accredited lab or facility. The bill would  
12 take effect on July 1, 2012.

13 An act relating to crime lab accreditation

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 20 V.S.A. § 1947 is added to read:

16 § 1947. FORENSIC LABORATORY ACCREDITATION

17 (a) As used in this section:

18 (1) "Accreditation organization" means a nonprofit professional  
19 association of persons who are actively involved in forensic science and who  
20 have substantial expertise in accrediting forensic laboratories.

1           (2) “Forensic analysis” means a medical, chemical, toxicological,  
2 ballistic, or other expert examination or test performed on physical evidence,  
3 including DNA evidence, for the purpose of determining the connection of the  
4 evidence to a criminal action.

5           (b)(1) All laboratories, facilities, or entities that conduct forensic analyses  
6 shall be accredited by an accreditation organization.

7           (2) No forensic analysis shall be admissible in court unless it has been  
8 conducted at a laboratory, facility, or entity that has been accredited by an  
9 accreditation organization.

10          (c) A laboratory, facility, or entity that conducts forensic analyses shall  
11 submit copies to the house and senate committees on judiciary of any report  
12 which it submits to an accreditation organization.

13          (d) This section shall not apply to:

14           (1) breath testing for alcohol;

15           (2) blood alcohol concentration analysis conducted by the department of  
16 health;

17           (3) field testing, crime scene processing, crime scene evidence  
18 collection, searches, examinations or enhancements of digital evidence, or  
19 crime scene reconstruction; or

1           (4) laboratories that perform only forensic toxicology analysis, provided  
2           that such laboratories shall have a technical peer review system that satisfies  
3           accreditation standards established by ASCLD/LAB or ABFT.

4           Sec. 2. EFFECTIVE DATE

5           This act shall take effect on July 1, 2012, and shall not apply to testimony,  
6           results, reports, or evidence of forensic analysis produced by a crime  
7           laboratory prior to July 1, 2012.