

HOUSE BILL NO. 575

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Delegate Glass)

A BILL to amend and reenact § 9.1-1110 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 17 of Title 15.2 a section numbered 15.2-1723.3 and by adding a section numbered 23.1-815.2, relating to crime laboratories and forensic laboratory services; local law-enforcement agencies and campus police departments.

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-1110 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 17 of Title 15.2 a section numbered 15.2-1723.3 and by adding a section numbered 23.1-815.2 as follows:

§ 9.1-1110. Functions of Forensic Science Board.

A. The Board shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of (i) this chapter or (ii) §§ 15.2-1723.3, 18.2-268.6, 18.2-268.9, 19.2-188.1, ~~and~~ 19.2-310.5, and 23.1-815.2 and for any provisions of the Code as they relate to the responsibilities of the Department. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information or DNA identification shall be submitted for review and comment to any board, commission, or committee or other body that may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Develop and establish program and fiscal standards and goals governing the operations of the Department;

26 3. Ensure the development of long-range programs and plans for the incorporation of new
27 technologies as they become available;

28 4. Review and comment on all budgets and requests for appropriations for the Department prior to
29 their submission to the Governor and on all applications for federal funds;

30 5. Monitor the activities of the Department and its effectiveness in implementing the standards and
31 goals of the Board;

32 6. Advise the Governor, Director, and General Assembly on matters relating to the Department
33 and forensic science in general;

34 7. Review, amend, and approve recommendations of the Scientific Advisory Committee;

35 8. Monitor the receipt, administration, and expenditure of all funds and other assistance available
36 for carrying out the purposes of this chapter;

37 9. Approve Department applications for grants from the United States government or any other
38 source in carrying out the purposes of this chapter and approve of acceptance of any and all donations
39 both real and personal, and grants of money from any governmental unit or public agency, or from any
40 institution, person, firm or corporation, and may receive, utilize and dispose of the same. With regard to
41 any grants of money from a governmental or public agency, the Board may delegate or assign the duties
42 under this subdivision to the chairman of the Board who may, with the concurrence of the vice-chairman
43 and in consultation with the Director, make such determinations. Any grants or donations received
44 pursuant to this section shall be detailed in the annual report of the Board. The report shall include the
45 identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received
46 pursuant to this section shall be deposited in the state treasury to the account of the Department;

47 10. Monitor all contracts and agreements necessary or incidental to the performance of the duties
48 of the Department and execution of its powers under this chapter, including but not limited to, contracts
49 with the United States, units of general local government or combinations thereof, in Virginia or other
50 states, and with agencies and departments of the Commonwealth; and

51 11. Recommend actions to foster and promote coordination and cooperation between the
52 Department and the user programs that are served.

53 B. By November 1 of each year, the Board shall review and make recommendations to the
54 Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and
55 Appropriations, and the Crime Commission concerning:

- 56 1. New major programs and plans for the activities of the Department and elimination of programs
57 no longer needed;
- 58 2. Policy and priorities in response to agency needs;
- 59 3. General fiscal year operational budget and any major changes in appropriated funds;
- 60 4. Actions to foster and promote coordination and cooperation between the Department and the
61 user programs which are served;
- 62 5. Rules and regulations necessary to carry out the purposes and intent of this chapter; and
- 63 6. Any recommendations submitted to the Board or the Director by the Scientific Advisory
64 Committee.

65 **§ 15.2-1723.3. Crime laboratories operated by local law-enforcement agencies; accreditation.**

66 A. For purposes of this section:

67 "Forensic laboratory" means a laboratory or other entity that conducts a forensic laboratory
68 analysis.

69 "Forensic laboratory analysis" means a medical, chemical, toxicological, ballistic, or other expert
70 examination or test performed on physical evidence, including DNA evidence, for the purpose of
71 determining the connection of the evidence to a criminal action. "Forensic laboratory analysis" does not
72 include (i) an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed
73 physician; (ii) a latent print examination; (iii) a breath test in accordance with § 18.2-268.9, 29.1-738.2,
74 or 46.2-341.26:9; (iv) an examination or test of digital or electronic evidence; (v) a presumptive chemical
75 test or any presumptive mobile instrument used to detect the presence of drugs or alcohol; or (vi) an
76 examination conducted with equipment approved by a federal agency in a manner not inconsistent with
77 any requirements, if developed, by such agency, such as those specific to National Integrated Ballistic
78 Information Network Sites.

79 B. No local law-enforcement agency shall operate a forensic laboratory unless such forensic
80 laboratory is accredited by an accrediting body that requires conformance to forensic-specific
81 requirements and that is a signatory to the International Laboratory Accreditation Cooperation (ILAC)
82 Mutual Recognition Arrangement with a scope of accreditation that covers the testing being performed.

83 C. No local law-enforcement agency shall purchase any equipment or any instrument that is
84 intended to be used in forensic laboratory analysis unless such equipment or instrument has been approved
85 by the Department of Forensic Science or the Forensic Science Board, including such equipment or
86 instrument that has been published in the Virginia Register of Regulations in the list of approved devices.

87 D. No local law-enforcement agency shall purchase any breath test device that is to be used in
88 accordance with § 18.2-268.9, 29.1-738.2, or 46.2-341.26:9 or any presumptive chemical test or any
89 presumptive mobile instrument to detect the presence of drugs or alcohol unless such tests have been
90 approved by the Department of Forensic Science or the Forensic Science Board, including such tests that
91 have been published in the Virginia Register of Regulations in the list of approved devices.

92 E. Nothing in this section shall prevent the Commonwealth from introducing relevant and
93 admissible evidence, including expert testimony.

94 **§ 23.1-815.2. Crime laboratories operated by campus police departments; accreditation.**

95 A. For purposes of this section:

96 "Forensic laboratory" means a laboratory or other entity that conducts a forensic laboratory
97 analysis.

98 "Forensic laboratory analysis" means a medical, chemical, toxicological, ballistic, or other expert
99 examination or test performed on physical evidence, including DNA evidence, for the purpose of
100 determining the connection of the evidence to a criminal action. "Forensic laboratory analysis" does not
101 include (i) an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed
102 physician; (ii) a latent print examination; (iii) a breath test in accordance with § 18.2-268.9, 29.1-738.2,
103 or 46.2-341.26:9; (iv) an examination or test of digital or electronic evidence; (v) a presumptive chemical
104 test or any presumptive mobile instrument used to detect the presence of drugs or alcohol; or (vi) an
105 examination conducted with equipment approved by a federal agency in a manner not inconsistent with

106 any requirements, if developed, by such agency, such as those specific to National Integrated Ballistic
107 Information Network Sites.

108 B. No campus police department at a public institution of higher education shall operate a forensic
109 laboratory unless such forensic laboratory is accredited by an accrediting body that requires conformance
110 to forensic-specific requirements and that is a signatory to the International Laboratory Accreditation
111 Cooperation (ILAC) Mutual Recognition Arrangement with a scope of accreditation that covers the testing
112 being performed.

113 C. No campus police department at a public institution of higher education shall purchase any
114 equipment or any instrument that is intended to be used in forensic laboratory analysis unless such
115 equipment or instrument has been approved by the Department of Forensic Science or the Forensic
116 Science Board, including such equipment or instrument that has been published in the Virginia Register
117 of Regulations in the list of approved devices.

118 D. No campus police department at a public institution of higher education shall purchase any
119 breath test device that is to be used in accordance with § 18.2-268.9, 29.1-738.2, or 46.2-341.26:9 or any
120 presumptive chemical test or any presumptive mobile instrument to detect the presence of drugs or alcohol
121 unless such tests have been approved by the Department of Forensic Science or the Forensic Science
122 Board, including such tests that have been published in the Virginia Register of Regulations in the list of
123 approved devices.

124 E. Nothing in this section shall prevent the Commonwealth from introducing relevant and
125 admissible evidence, including expert testimony.

126 **2. That the provisions of this act shall become effective on January 1, 2028.**

127 #