

1-1 By: Hinojosa S.B. No. 284  
 1-2 (In the Senate - Filed January 3, 2019; February 7, 2019,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 27, 2019, reported favorably by the following vote: Yeas 6,  
 1-5 Nays 0; March 27, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to disciplinary proceedings applicable to a licensed  
 1-18 forensic analyst.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 4-c, Article 38.01, Code of Criminal  
 1-21 Procedure, is amended by amending Subsection (c) and adding  
 1-22 Subsections (d) and (e) to read as follows:

1-23 (c) The commission shall give written notice by certified  
 1-24 mail of a determination described by Subsection (a) to a license  
 1-25 holder who is the subject of the determination. The notice must:

1-26 (1) include a brief summary of the alleged misconduct  
 1-27 or violation;

1-28 (2) state the disciplinary action taken by the  
 1-29 commission; and

1-30 (3) inform the license holder of the license holder's  
 1-31 right to a hearing before the Judicial Branch Certification  
 1-32 Commission on the occurrence of the misconduct or violation, the  
 1-33 imposition of disciplinary action, or both.

1-34 (d) Not later than the 20th day after the date the license  
 1-35 holder receives the notice under Subsection (c), the license holder  
 1-36 may request a hearing by submitting a written request to the  
 1-37 Judicial Branch Certification Commission. If the license holder  
 1-38 fails to timely submit a request, the commission's disciplinary  
 1-39 action becomes final and is not subject to review by the Judicial  
 1-40 Branch Certification Commission.

1-41 (e) If the license holder requests a hearing, the Judicial  
 1-42 Branch Certification Commission shall conduct a hearing to  
 1-43 determine whether there is substantial evidence to support the  
 1-44 determination under Subsection (a) that the license holder  
 1-45 committed professional misconduct or violated this article or a  
 1-46 commission rule or order under this article. If the Judicial Branch  
 1-47 Certification Commission upholds the determination, the Judicial  
 1-48 Branch Certification Commission shall determine the type of  
 1-49 disciplinary action to be taken. The Judicial Branch Certification  
 1-50 Commission shall conduct the hearing in accordance with the  
 1-51 procedures provided by Subchapter B, Chapter 153, Government Code,  
 1-52 as applicable, and the rules of the Judicial Branch Certification  
 1-53 Commission. [Disciplinary proceedings of the commission are  
 1-54 governed by Chapter 2001, Government Code. A hearing under this  
 1-55 section shall be conducted by an administrative law judge of the  
 1-56 State Office of Administrative Hearings.]

1-57 SECTION 2. The change in law made by this Act applies only  
 1-58 to a disciplinary action taken on or after the effective date of  
 1-59 this Act. A disciplinary action taken before the effective date of  
 1-60 this Act is governed by the law in effect on the date the action was  
 1-61 taken, and the former law is continued in effect for that purpose.

2-1 SECTION 3. This Act takes effect September 1, 2019.

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