

THE
TAK
ADP

Chapter 574

S.B. No. 284

AN ACT

1 relating to disciplinary proceedings applicable to a licensed
2 forensic analyst.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

7 (c) The commission shall give written notice by certified
8 mail of a determination described by Subsection (a) to a license
9 holder who is the subject of the determination. The notice must:

10 (1) include a brief summary of the alleged misconduct
11 or violation;

12 (2) state the disciplinary action taken by the
13 commission; and

14 (3) inform the license holder of the license holder's
15 right to a hearing before the Judicial Branch Certification
16 Commission on the occurrence of the misconduct or violation, the
17 imposition of disciplinary action, or both.

18 (d) Not later than the 20th day after the date the license
19 holder receives the notice under Subsection (c), the license holder
20 may request a hearing by submitting a written request to the
21 Judicial Branch Certification Commission. If the license holder
22 fails to timely submit a request, the commission's disciplinary
23 action becomes final and is not subject to review by the Judicial
24

1 Branch Certification Commission.

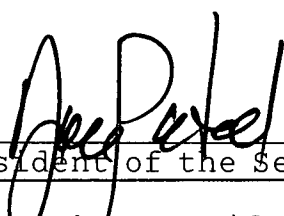
2 (e) If the license holder requests a hearing, the Judicial
3 Branch Certification Commission shall conduct a hearing to
4 determine whether there is substantial evidence to support the
5 determination under Subsection (a) that the license holder
6 committed professional misconduct or violated this article or a
7 commission rule or order under this article. If the Judicial Branch
8 Certification Commission upholds the determination, the Judicial
9 Branch Certification Commission shall determine the type of
10 disciplinary action to be taken. The Judicial Branch Certification
11 Commission shall conduct the hearing in accordance with the
12 procedures provided by Subchapter B, Chapter 153, Government Code,
13 as applicable, and the rules of the Judicial Branch Certification
14 Commission. [~~Disciplinary proceedings of the commission are~~
15 governed by Chapter 2001, Government Code. A hearing under this
16 section shall be conducted by an administrative law judge of the
17 State Office of Administrative Hearings.]

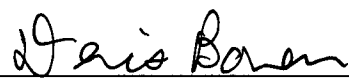
18 SECTION 2. The change in law made by this Act applies only
19 to a disciplinary action taken on or after the effective date of
20 this Act. A disciplinary action taken before the effective date of
21 this Act is governed by the law in effect on the date the action was
22 taken, and the former law is continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2019.

MD
a.
DE 22

S.B. No. 284

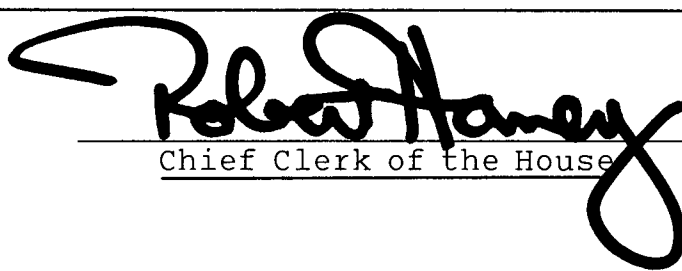

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 284 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

I hereby certify that S.B. No. 284 passed the House on May 22, 2019, by the following vote: Yeas 139, Nays 5, two present not voting.


Chief Clerk of the House

Approved:

6-7-2019
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:00 pm O'CLOCK

JUN 10 2019

Secretary of State