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SENATE BILL NO. 563

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend and reenact §§ 9.1-1101 and 9.1-1110 of the Code of Virginia, relating to the Department of Forensic Science; powers and duties.*

Patrons—Stolle, Howell and Norment; Delegates: Albo, Kilgore, Melvin and Moran

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-1101 and 9.1-1110 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-1101. Powers and duties of the Department.

A. It shall be the responsibility of the Department to provide forensic laboratory services upon request of the Superintendent of State Police; the Chief Medical Examiner, the Assistant Chief Medical Examiners, and local medical examiners; any attorney for the Commonwealth; any chief of police, sheriff, or sergeant responsible for law enforcement in the jurisdiction served by him; any local fire department; or any state agency in any criminal matter. The Department shall provide such services to any federal investigatory agency within available resources.

B. The Department shall:

1. Provide forensic laboratory services to all law-enforcement agencies throughout the Commonwealth and provide laboratory services, research, and scientific investigations for agencies of the Commonwealth as needed; and

2. Establish and maintain a DNA testing program in accordance with Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 to determine identification characteristics specific to an individual.

C. *The Department shall have the power and duty to:*

1. *Receive, administer, and expend all funds and other assistance available for carrying out the purposes of this chapter;*

2. *Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter including, but not limited to, contracts with the United States, units of general local government or combinations thereof in Virginia or other states, and with agencies and departments of the Commonwealth; and*

3. *Perform such other acts as may be necessary or convenient for the effective performance of its duties.*

D. The Director may appoint and employ a deputy director and such other personnel as are needed to carry out the duties and responsibilities conferred by this chapter.

§ 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) §§ 18.2-268.6, 18.2-268.9, 19.2-188.1, and 19.2-310.5 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;

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

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

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

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

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

8. ~~Receive, administer, and expend~~ *Monitor the receipt, administration, and expenditure of all funds and other assistance available for carrying out the purposes of this chapter;*

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59 9. Approve Department applications for grants from the United States government or any other
60 source in carrying out the purposes of this chapter and approve of acceptance of any and all donations
61 both real and personal, and grants of money from any governmental unit or public agency, or from any
62 institution, person, firm or corporation, and may receive, utilize and dispose of the same. *The Board*
63 *may delegate or assign this duty to the chairman of the Board who may, with the concurrence of the*
64 *vice-chairman and in consultation with the Director, make such determinations. Any arrangements*
65 *grants or donations received* pursuant to this section shall be detailed in the annual report of the Board.
66 The report shall include the identity of the donor, the nature of the transaction, and the conditions, if
67 any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account
68 of the Department. ~~To these ends, the Board shall have the power to comply with conditions and~~
69 ~~execute such agreements as may be necessary;~~

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

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

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

79 1. New major programs and plans for the activities of the Department and elimination of programs
80 no longer needed;

81 2. Policy and priorities in response to agency needs;

82 3. General fiscal year operational budget and any major changes in appropriated funds;

83 4. Actions to foster and promote coordination and cooperation between the Department and the user
84 programs which are served;

85 5. Rules and regulations necessary to carry out the purposes and intent of this chapter; and

86 6. Any recommendations submitted to the Board or the Director by the Scientific Advisory
87 Committee.