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SENATE BILL NO. 1435

Offered January 16, 2009

A *BILL to amend and reenact § 9.1-1109 of the Code of Virginia, relating to Forensic Science Board; membership.*

Patron—Howell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 9.1-1109 of the Code of Virginia is amended and reenacted as follows:**

§ 9.1-1109. Forensic Science Board; membership.

A. The Forensic Science Board (the Board) is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~43~~ 15 members as follows:

1. The Superintendent of the State Police or his designee;
2. The Director of the Department of Criminal Justice Services or his designee;
3. The Chief Medical Examiner or his designee;
4. The Executive Director of the Virginia Board of Pharmacy or his designee;
5. The Attorney General, or his designee;
6. The Executive Secretary of the Supreme Court of Virginia or his designee;
7. The Chairman of the Virginia State Crime Commission or his designee. *If the Chairman of the*

Virginia State Crime Commission is (i) the Chairman of the Senate Committee on Finance, then the vice-chairman of the Committee, or his designee, shall serve in the position designated for the Committee Chairman or (ii) the Chairman of the House Appropriations Committee, then the vice-chairman of the Committee, or his designee, shall serve in the position designated for the Committee Chairman;

8. The Chairman of the Board of the Virginia Institute of Forensic Science and Medicine or his designee;

9. *The Chairman of the Senate Committee on Finance or his designee;*

10. *The Chairman of the House Appropriations Committee or his designee;*

11. Two members of the Scientific Advisory Committee, chosen by the chairman of that committee; and

12. Three members, appointed by the Governor, from among the citizens of the Commonwealth as follows:

- a. A member of law enforcement;
- b. A member of the Virginia Commonwealth's Attorneys Association; and
- c. A member who is a criminal defense attorney having specialized knowledge in the area of forensic sciences.

B. The legislative members shall serve for terms coincident with their terms of office. The members appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Any vacancy on the Board shall be filled in the same manner as the original appointment, but for the unexpired term.

C. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

D. The Board shall elect its chairman and vice-chairman. A majority of the members shall constitute a quorum. Members shall be paid reasonable and necessary expenses incurred in the performance of their duties. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman of the Board shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board.