

LEGISLATIVE UPDATE

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The fall has not been a particularly active time for forensic legislation but the CFSO has been actively meeting with Members of Congress to discuss funding for Coverdell and Debbie Smith as well as moving along the Justice For All Act and the Forensic Reform Legislation. Therefore, we took the time out to put together a chart that we hope will prove helpful to you in providing a side-by-side view of some of the proposals regarding forensic reform. We apologize for the length of this document but thought it informative enough to break with our goal of no more than two pages per newsletter.

In the meantime, the Justice for All Act has passed the Senate Judiciary Committee and will be placed on the calendar of the Senate for a floor vote. The next step will be for the House to bring it before the House Judiciary Committee and then the floor. We will keep you apprised of this activity as it moves forward and provide an analysis when the Bill is complete.

The budget seems to change day by day here in Washington but one this is certain and that is that they will have to act on it by January 15 when the stopgap measure expires. That is seemingly more and more difficult with each day but not impossible. The Chairmen of the House and Senate Appropriations Committees have urged the Budget Committee to provide them the top line for spending so that they can move on the budget. For the forensic community the House and Senate each have an appropriations bill but they need to be reconciled. For our community there is a great deal at stake here. While DNA funding was fully funded in the House and Senate, the Coverdell funding was only funded in the Senate. Don't forget to contact your Congressman and ask them to fund Coverdell at the Senate level in the Justice Appropriations bill for FY14.

Finally, as many of you know, NIST put out a request for comment in the Federal Register. Many of the CFSO Members submitted comments and the CFSO submitted a document highlighting the common factors among those comments. Please visit the CFSO website to view these documents.

We wish everyone a great holiday season.



	National Forensic Science Commission Charter (NFSC)	HR 3064/Rockefeller	Senator Leahy legislation July 2012
S T R U C T U R E	<p>Commission</p> <p>30 Members</p> <p>Appointed by NIST/DOJ</p> <p>Scientists, Practitioners and criminal justice advocates</p> <p>“including Federal, State, and Local forensic science service providers; research scientists and academicians; Federal, State, Local prosecutors, defense attorneys and judges; law enforcement; and other relevant stakeholders.</p>	<p>Advisory Committee</p> <p>Number of Members TBD</p> <p>Appointed by NIST/DOJ</p> <p>Scientists, Practitioners, legal community, victim advocates and law enforcement</p> <p>“including academic scientists, statisticians, social scientists, engineers and representatives of other related scientific disciplines) and individuals and organizations with expertise in applications of forensic science (Federal, state, and local representatives of the forensic science community, the legal community, victim advocate organizations, and law enforcement).</p>	<p>Board</p> <p>17 Members (11 voting and 6 non-voting)</p> <p>Appointed by the President</p> <p>Voting Members: shall have comprehensive scientific background. 6 shall have extensive experience in scientific research and 6 shall have practical forensic science experience, 1 must be a board certified physician</p>
D U T I E S	<p>Recommend priorities for standards development Review and recommend endorsement of guidance identified or developed by subject-matter experts</p> <p>Develop proposed guidance concerning the intersection of forensic science and the courtroom</p>	<p>The Advisory Committee shall provide advice to:</p> <p>Federal departments, agencies, and offices implementing the unified Federal research strategy</p> <p>The National Institute of Standards and Technology, including recommendations regarding the National Institute of Standards and Technology’s</p>	<p>Make recommendations to the Director relating to research priorities and needs, accreditation and certification standards, standards and protocols for forensic science disciplines</p> <p>Monitor and evaluate:</p> <p>1)The administration of accreditation, certification, and research programs and procedures</p> <p>2)The operation of the Committees</p>

	<p>Develop policy recommendations, including a uniform code of professional responsibility and minimum requirements for training, accreditation and/or certification</p> <p>Identify and assess the current and future needs of the forensic sciences to strengthen their disciplines and meet growing demand</p>	<p>responsibilities The Department of Justice, including recommendations regarding the Department of Justice’s responsibilities under section 9 (Adoption, Accreditation, and Certification).</p>	<p>3)Review and update, as appropriate, any recommendations made</p> <p>4)Identify, as appropriate, any additional issues that one or more Committees should consider</p>
<p>A C C R E D I T A T I O N</p>	<p>Develop policy recommendations, including uniform code of professional responsibility and minimum requirements for training, accreditation and or certification</p>	<p>Shall promote the adoption of forensic science standards:</p> <p>1)By requiring each Federal forensic laboratory to adopt such forensic science standards</p> <p>2)By encouraging each non-Federal forensic laboratory to adopt such forensic science standards</p> <p>3)By disseminating any recommendations made by the Advisory Committee for adoption and implementation of forensic science standards</p> <p>Shall promote the development of minimum training, accreditation, and certification requirements based on the forensic science standards developed</p>	<p>Consider:</p> <p>1)Whether any relevant national or international accreditation standards that were in effect before the date of enactment of this Act would be sufficient for the accreditation of forensic science laboratories</p> <p>2)Whether any relevant national or international accreditation standards that were in effect before the date of enactment of this Act would be sufficient for the accreditation of forensic science laboratories under this Act with supplemental standards</p> <p>3)The incorporation of relevant national or international accreditation standards that were in effect before the date of enactment of this Act</p> <p>Include:</p>

		<p>under section 7 (Standards and Research at NIST) and any recommendations made by the Advisory Committee</p> <p>Shall issue guidance concerning the intersection of forensic science and the courtroom</p> <p>May require the adoption of the forensic science standards as a condition of Federal funding or for inclusion in national data sets</p>	<p>Educational and training requirements for relevant laboratory personnel</p> <p>Proficiency and competency testing requirements for relevant laboratory personnel</p> <p>Maintenance and auditing requirements for accredited forensic science laboratories.</p>
<p>C E R T I F I C A T I O N</p>	<p>Develop policy recommendations, including uniform code of professional responsibility and minimum requirements for training, accreditation and or certification</p>	<p>Shall promote the development of minimum training, accreditation, and certification requirements based on the forensic science standards developed under section 7 (Standards and Research at NIST) and any recommendations made by the Advisory Committee</p>	<p>Consult with qualified professional organizations, including qualified professional organizations that accredit forensic science certification programs</p> <p>Consider relevant certification standards and best practices developed by qualified professional or scientific organizations</p> <p>Consider whether successful completion of a certification program accredited by a qualified professional organization would be sufficient to meet the certification requirements for relevant personnel under this Act</p> <p>Consider whether and under what circumstances internal certification programs by accredited laboratories would be sufficient to meet the certification requirements for relevant personnel under this Act</p>

			<p>Any standards or best practices established under title V (Standards and Best Practices)</p> <p>Whether certain minimum standards should be established for the education and training of relevant personnel</p> <p>Whether there should be an alternative process to enable relevant personnel who were hired before the date established, to obtain certifications, including:</p> <ul style="list-style-type: none">Testing that demonstrates proficiency in a specific forensic science discipline that is equal to or greater than the level of proficiency required by the standards for certificationwaiver of certain educational and training requirementswhether and under what conditions relevant personnel should be allowed to perform an activity described in subparagraph for a forensic science laboratory while the individual obtains the training and education required for certificationwhether certification by recognized and relevant medical boards, or other recognized and relevant state professional boards, should be sufficient for relevant personnel to meet the standards developed under this title.
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<p style="text-align: center;">C A P A C I T Y B U I L D I N G</p>	<p style="text-align: center;">None</p>	<p style="text-align: center;">None</p>	<p style="text-align: center;">NEEDS ASSESSMENT</p> <p>(a) Not later than 18 months after the date of enactment of this Act, the Director shall conduct a needs assessment of state and local forensic service providers, to include law enforcement agencies and medico-legal death examiners, in order to evaluate the capacity and resource needs of those providers. Such a needs assessment shall address the technology, equipment, personnel, recruitment, training, education, and research needs of those state and local forensic service providers.</p> <p>(b) Not later than 2 years after the date of enactment of this Act, the Director shall develop a national strategy for developing the capacity and resources of state and local forensic science providers and for addressing the needs identified in the assessment conducted pursuant to subsection (a).</p> <p>(c) Not less frequently than once every 5 years, the Director shall update the assessment conducted under subsection (a) and the national strategy developed under subsection (b).</p>
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