

**SENATE . . . . . No. 1285**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***William N. Brownsberger***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the establishment of a forensic science commission.

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PETITION OF:

NAME:

*William N. Brownsberger*

DISTRICT/ADDRESS:

*Second Suffolk and Middlesex*

**SENATE . . . . . No. 1285**

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1285) of William N. Brownsberger for legislation relative to the establishment of a forensic science commission. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to the establishment of a forensic science commission.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is  
2 hereby amended by striking out section 184A in its entirety and inserting in place thereof the  
3 following new section:-

4 Section 184A. Massachusetts Forensic Science Commission.

5 To increase public trust in forensic work there shall be established in the executive office  
6 of public safety and security the Massachusetts Forensic Science Commission (“Commission”)  
7 which shall provide enhanced, objective, and independent auditing and oversight of forensic  
8 evidence used in criminal matters and analysis done in state and municipal laboratories.

9 The Commission shall consist of eleven members who shall be appointed by the governor  
10 as follows: one person with expertise in forensic science; one person with expertise in cognitive  
11 bias; one person in academia in a research field adjacent to forensic science; one person with  
12 expertise in statistics; one person with expertise in forensic laboratory management; one person

13 with expertise in clinical quality management; one person nominated by the Massachusetts  
14 District Attorneys Association; one person nominated by the Attorney General of Massachusetts;  
15 one person nominated by the Committee of Public Counsel Services; one person nominated by  
16 the Massachusetts Association of Criminal Defense Lawyers; and, one person nominated by the  
17 New England Innocence Project. No member, other than those nominated by the Massachusetts  
18 District Attorneys Association, the Attorney General of Massachusetts, Committee of Public  
19 Council Services or the New England Innocence Project shall be employed by or affiliated with  
20 any state or municipal forensic laboratory throughout the term of membership.

21 All appointments shall be for a term of four years. A vacancy, other than by expiration of  
22 term, shall be filled by the governor for the unexpired term.

23 The chair of the commission shall be elected from among the members appointed. Staff  
24 shall be provided by the executive office of public safety and security.

25 The commission shall meet at times and places as is requested by five of its members but  
26 in no event shall meet less than quarterly. Members shall not designate a proxy to vote in their  
27 absence.

28 Members of the Commission shall be compensated for reasonable and necessary  
29 expenses incurred in the performance of their duties.

30 The Commission shall initiate an investigation into any forensic science, technique or  
31 analysis used in a criminal matter upon:

32 Application by any person alleging that a forensic technique used was not scientifically  
33 valid, and at least five members of the Commission agree; or,

34           Application made by any person alleging professional negligence or misconduct that  
35 could affect the integrity or results of a forensic analysis, and at least five members of the  
36 Commission agree; or,

37           At least five members of the Commission determine that an investigation of a forensic  
38 analysis would advance the integrity and reliability of forensic science in the Commonwealth.

39           The Commission shall have the following powers: to compel production of evidence  
40 relating to a forensic science or allegation of professional misconduct or negligence; to grant  
41 immunity to any witness providing evidence; to report its findings to any accrediting body or  
42 professional licensing body.

43           The results of any investigation by the Commission, with any resultant recommendations,  
44 shall be reported to the Executive Office of Public Safety and Security, the Joint Committee on  
45 Public Safety and Homeland Security, the Supreme Judicial Court, the Massachusetts District  
46 Attorney's Association, the Attorney General, the Committee for Public Counsel Services, the  
47 Massachusetts Association of Criminal Defense Lawyers, and the New England Innocence  
48 Project.

49           The Commission shall develop and implement a system for forensic laboratories to report  
50 professional negligence or misconduct and any such facility shall be required to report to the  
51 Commission such instance of professional negligence and misconduct.

52           The Commission shall oversee laboratory accreditation as well as the establishment of  
53 procedures and policies to strengthen the quality of forensic analysis.

54           The Commission shall actively engage stakeholders in the criminal justice system in  
55 forensic development initiatives, and shall work with stakeholders to improve education and  
56 training in forensic science and the law.