

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 9.1-1109, 9.1-1111, and 9.1-1112 of the Code of Virginia, relating to Forensic Science Board; Scientific Advisory Committee; members; service after expiration of term; emergency.

[H 680]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-1109, 9.1-1111, and 9.1-1112 of the Code of Virginia are 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 15 members as follows:

1. The Superintendent of the *Virginia* 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;
8. The Director of the Virginia Division of Consolidated Laboratory Services or his designee;
9. The Chairman of the Senate Committee for Courts of Justice or his designee;
10. The Chairman of the House Committee for Courts of Justice 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 Association of 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.

C. 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. *A member appointed by the Governor shall serve after expiration of his term until his successor is appointed.*

~~G. D.~~ 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. E.~~ 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. F.~~ 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.

§ 9.1-1111. Scientific Advisory Committee; membership.

The Scientific Advisory Committee is hereby established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Scientific Advisory Committee (the Committee) shall consist of 13 members, consisting of the Director of the Department, and 12 members appointed by the Governor as follows: a director of a private or federal forensic laboratory; a forensic scientist or any other person, with an advanced degree, who has received substantial education, training, or experience in the subject of laboratory standards or quality assurance regulation and monitoring; a forensic scientist with an advanced degree who has received substantial education, training, or experience in the discipline of molecular biology; a forensic scientist with an advanced degree and having experience in the discipline of population genetics; a scientist with an advanced degree and having experience in the discipline of forensic chemistry; a scientist with an advanced degree and having experience in the discipline of forensic biology; a forensic

57 scientist or any other person, with an advanced degree who has received substantial education, training, or
58 experience in the discipline of trace evidence; a scientist with a doctoral degree and having experience in the
59 discipline of forensic toxicology, who is certified by the American Board of Forensic Toxicology; a member
60 of the Board of the International Association for Identification when initially appointed; a member of the
61 Board of the Association of Firearms and Tool Mark Examiners when initially appointed; a member of the
62 International Association for Chemical Testing; and a member of the American Society of Crime Laboratory
63 Directors.

64 Members of the Committee initially appointed shall serve the following terms: four members shall serve a
65 term of one year, four members shall serve a term of two years, and four members shall serve a term of four
66 years. Thereafter, all appointments shall be for a term of four years. A vacancy other than by expiration of
67 term shall be filled by the Governor for the unexpired term. *A member shall serve after expiration of his term*
68 *until his successor is appointed.*

69 Members of the Committee shall be paid reasonable and necessary expenses incurred in the performance
70 of their duties, and shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

71 **§ 9.1-1112. Meetings and chairman.**

72 The Committee shall meet twice a year ~~in the City of Richmond~~ and at such other times ~~and places~~ as it
73 determines or as directed by the Governor or the Forensic Science Board. A chairman shall be elected from
74 among the members appointed by the Governor. Staff to the Committee shall be provided by the Department
75 of Forensic Science.

76 **2. That an emergency exists and this act is in force from its passage.**