

§ 114-61. Forensic Science Advisory Board.

(a) Creation and Membership. – The North Carolina Forensic Science Advisory Board (Board) is hereby established as an advisory board within the Department of Justice. The Board shall consist of 15 members, consisting of the State Crime Laboratory Director, and 14 members appointed by the Attorney General as follows:

- (1) 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.
- (2) The Chief Medical Examiner of the State.
- (3) A forensic scientist with an advanced degree who has education, training, or experience in the discipline of molecular biology.
- (4) A forensic scientist with an advanced degree who has experience in the discipline of population genetics.
- (5) A scientist with an advanced degree who has experience in the discipline of forensic chemistry.
- (6) A scientist with an advanced degree who has experience in the discipline of forensic biology.
- (7) A forensic scientist or any other person with an advanced degree who has education, training, or experience in the discipline of trace evidence.
- (8) A scientist with an advanced degree who has experience in the discipline of forensic toxicology.
- (9) A member of the International Association for Identification.
- (10) A member of the Association of Firearms and Tool Mark Examiners.
- (11) A member of the International Association for Chemical Testing.
- (12) Repealed by Session Laws 2014-115, s. 46, effective August 11, 2014.
- (13) A member of the American Society of Crime Laboratory Directors.
- (14) A member of the Academy of Forensic Sciences.
- (15) A member of the American Statistical Association.

A chairman shall be elected from among the members appointed, and staff shall be provided by the Department of Justice.

(b) Meetings. – The Board shall meet biannually and at such other times and places as it determines. Members of the Board cannot designate a proxy to vote in their absence.

(c) Terms. – Members of the Board initially appointed shall serve the following terms: five members shall serve a term of two years; five members shall serve a term of three years; and five members shall serve a term of four years. Thereafter, all appointments shall be for a term of four years. A vacancy other than by expiration of term shall be filled by the Attorney General for the unexpired term. Members of the Board cannot designate a proxy to vote in their absence.

(d) Terms. – Expenses. – Members of the Board shall be paid reasonable and necessary expenses incurred in the performance of their duties. Members of the Board who are State officers or employees shall receive no compensation for serving on the Board but may be reimbursed for their expenses in accordance with G.S. 138-6. Members of the Board who are full-time salaried public officers or employees other than State officers or employees shall receive no compensation for serving on the Board but may be reimbursed for their expenses in accordance with G.S. 138-5(b). All other members of the Board may receive compensation and reimbursement for expenses in accordance with G.S. 138-5.

(e) Functions. – The Board may review State Crime Laboratory operations and make recommendations concerning the services furnished to user agencies. The Board shall review

and make recommendations as necessary to the Laboratory Director concerning any of the following:

- (1) New scientific programs, protocols, and methods of testing.
- (2) Plans for the implementation of new programs; sustaining existing programs and improving upon them where possible; and the elimination of programs which are no longer needed.
- (3) Protocols for testing and examination methods and guidelines for the presentation of results in court.
- (4) Qualification standards for the various forensic scientists of the Laboratory.

(f) Review Process. – Upon request of the Laboratory Director, the Board shall review analytical work, reports, and conclusions of scientists employed by the Laboratory. Records reviewed by this Board retain their confidential status and continue to be considered records of a criminal investigation as defined in G.S. 132-1.4. These records shall be reviewed only in a closed session meeting pursuant to G.S. 143-318.11 of the Board, and each member of the Board shall, prior to receiving any documents to review, sign a confidentiality agreement agreeing to maintain the confidentiality of and not to disclose the documents nor the contents of the documents reviewed. The Board shall recommend to the Laboratory a review process to use when there is a request that the Laboratory retest or reexamine evidence that has been previously examined by the Laboratory. (2011-19, s. 2; 2013-360, s. 17.6(d); 2014-115, s. 46.)