



TACLD

Texas Association of
Crime Laboratory
Directors



**HOUSTON FORENSIC
SCIENCE CENTER**

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April 8, 2025

Honorable John T. Smithee

House Criminal Jurisprudence Committee

Testimony for HB 2984

Dear Representative Smithee and Committee,

The Texas Association of Crime Laboratory Directors (TACLD) and the Houston Forensic Science Center (HFSC) appreciate the opportunity to provide information and suggestions on House Bill 2984.

HB 2984 provides for rebuttable presumption in DWI prosecutions, which currently 30 states have in place. In a prosecution for a DWI offense under this chapter, there is a rebuttable presumption that a person was intoxicated *at the time of the offense* if it is shown on the trial that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.08 or more *at the time the analysis was performed*. From a forensic laboratory perspective, our forensic toxicologists are not just in the lab – they spend an incredible amount of time testifying in court and it is a considerable resource drain to already understaffed labs when time is spent going through the myriad of “what if” scenarios.

Often in DWI cases a blood or breath sample is taken some time after the event. Alcohol concentrations will continue to change in the body. Alcohol has a well-understood pattern of eliminating from the body. A common example is that a forensic toxicologist will spend several hours documenting the calculations and educating the lawyers when the individual was well above 0.08 and impaired. A common line of defense is that the measured alcohol is not what the defendant’s alcohol concentration was at the time of the accident. This is true, but in most circumstances the reported alcohol concentration is lower than the alcohol concentration at the time of the accident due to the passage of time between the accident and the actual testing.

The information required to estimate alcohol concentration at the time of driving, is often unknown. Thus, forensic toxicologists are asked to spend time making these calculations for a series of hypothetical scenarios. The rebuttable presumption would reduce the amount of time forensic toxicologists spend away from the lab completing these hypothetical calculations as part of their daily work.

We appreciate your consideration as we work together to make forensic science testing more efficient and effective. Please do not hesitate to reach out to TACLD or HFSC for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Stout', with a stylized flourish at the end.

Peter Stout, Ph.D., F-ABFT

CEO and President, Houston Forensic Science Center

President, Texas Association of Crime Laboratory Directors