The *Saeima1* has adopted and

the President has proclaimed the following law:

**Law On Forensic Experts**

**Chapter I. General Provisions**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **forensic expert-examination** — scientific and practical study of objects and materials which is performed by a forensic expert by using a method registered in accordance with the procedures laid down in the law in order to answer the questions posed by a person ordering the expert-examination by providing substantiated conclusions;

2) **forensic expert** – a person who has special knowledge and experience in a certain field of science, technology, art or craft and who has obtained a forensic expert certificate in accordance with the procedures laid down in this Law;

3) **opinion of a forensic expert** – a document in which an expert, on the basis of the results of a study, provides reasoned answers to the questions posed by the person ordering the expert-examination pursuant to the competence thereof;

4) **speciality of a forensic expert** – a field of forensic expert-examinations, which has a common subject-matter of study, similar objects of study and methods.

**Section 2. Purpose of this Law**

The purpose of this Law is to regulate the professional activities of forensic experts in order to ensure an unbiased, judicial and scientifically justified forensic expert-examination in the State.

**Section 3. Right to Perform a Forensic Expert-examination**

(1) The following persons are entitled to perform a forensic expert-examination in the Republic of Latvia pursuant to their competence:

1) State forensic experts;

2) private forensic experts.

(2) An expert-examination may be performed by other person who has corresponding special knowledge:

1) if an expert-examination is necessary in the field in which there are no experts referred to in Paragraph one, Clauses 1 and 2 of this Section;

2) if it is necessary to perform a repeat expert-examination and the forensic experts in the relevant speciality of forensic expert referred to in Paragraph one, Clauses 1 and 2 of this Section have already performed the expert-examination;

3) if the forensic experts referred to in Paragraph one, Clauses 1 and 2 of this Section cannot perform the expert-examination due to the lack of the necessary special knowledge or equipment;

4) if the forensic experts referred to in Paragraph one, Clauses 1 and 2 of this Section cannot perform the expert-examination due to a possible conflict of interests;

5) in case of a disaster or act of terrorism of national significance.

**Section 4. Register of Forensic Experts**

(1) The Register of Forensic Experts shall be a public register containing information regarding certified forensic experts operating in the State.

(2) The following information shall be included in the Register of Forensic Experts:

1) the given name and surname of the forensic expert;

2) the speciality in which the forensic expert has been granted the right to perform a forensic expert-examination;

3) the place of operation of the forensic expert;

4) the number and date of issuance of the forensic expert certificate;

5) the validity period of the forensic expert certificate;

6) an indication, if a decision to suspend the operation of the forensic expert certificate has been taken;

7) other indications attesting to the competence of the forensic expert.

(3) The Register of Forensic Experts shall be made by the Council of Forensic Experts.

(4) The Register of Forensic Experts and any amendments thereto shall be published on the website of the Court Administration.

**Section 5. Methods of Forensic Expert-examination and Their Register**

(1) A method of a forensic expert-examination is a systematised aggregate of methods and processes according to which a forensic expert studies the object submitted for the expert-examination and provides answers to the questions posed.

(2) A description of the method of a forensic expert-examination shall contain a title, number, date of development, version number, field of activity, definitions, risk factors, description of the course of work, assessment of results, interpretation, labour safety requirements, quality assurance measures, bibliography used, information regarding reagents, devices, and accessories, if any.

(3) The method prepared for the performance of a forensic expert-examination shall be submitted, prior to using it, by the institution in which a State forensic expert is working, for registration to the Council of Forensic Experts, but by a private forensic expert – for approval and registration to the Council of Forensic Experts.

(4) The methods of a forensic expert-examination to be used for a forensic medical expert-examination, forensic psychiatric expert-examination, and narcologic expert-examination shall be registered on the basis of a decision of the competent authority specified in the laws and regulations to approve the relevant medical technology.

(5) The Register of Methods of Forensic Expert-Examinations shall be made by the Council of Forensic Experts.

(6) A description of the method of a forensic expert-examination shall be restricted access information. The Council of Forensic Expert, upon receipt of a written request of a person and after co-ordination with the institution in which the State forensic expert is working, or with a private forensic expert, shall ensure a possibility for the relevant person to become familiar with the registered method of forensic expert-examination.

(7) Regular calibration and verification of devices and tools determined in the method of forensic expert-examination shall be ensured by the institution where the State forensic expert is working, or by the private forensic expert.

**Chapter II. Granting of a Forensic Expert Certificate**

**Section 6. Forensic Expert Candidates**

(1) The following natural person may be a forensic expert candidate (hereinafter – candidate):

1) who has acquired an accredited study programme corresponding to the speciality chosen in an institution of higher education (academic study programme or second level higher vocational study programme);

2) who has acquired professional knowledge and experience of a forensic expert:

a) in a forensic expert-examination institution or under supervision of a forensic expert by acquiring a training programme in the corresponding speciality of a forensic expert, and who has submitted an application for certification within two years after obtaining an attestation regarding acquisition of the candidate training programme issued by a forensic expert-examination institution or a forensic expert,

b) by obtaining a certificate of a medical practitioner in the main speciality of forensic medicine expert or sub-speciality of forensic psychiatry expert;

3) who is fluent in the official language at the highest level;

4) who has an impeccable reputation.

(2) Such natural person may be a candidate for a speciality of forensic psychology expert-examination who in addition to the requirements defined in Paragraph one of this Section has obtained a master's degree in the accredited study programme corresponding to the speciality and has conducted professional activity in the speciality of psychologist for at least five years.

(3) The following person may not be a candidate:

1) who is a person prosecuted or a suspect in a criminal case regarding the committal of an intentional criminal offence;

2) who has been sentenced for committing an intentional criminal offence (regardless of whether or not the conviction is extinguished or set aside);

3) who has been convicted for committing an intentional criminal offence, but has been released from serving the sentence due to a limitation period, amnesty or clemency;

4) against whom criminal proceedings regarding an intentional criminal offence have been terminated due to a limitation period or amnesty;

5) who has been held criminally liable, but the criminal proceedings against whom have been terminated for reasons other than exoneration;

6) for whom the right of a forensic expert has been removed on the basis of the decision in a disciplinary matter, unless five years have been elapsed from the time when the decision taken in the disciplinary matter entered into effect;

7) are under trusteeship.

**Section 7. Commission for Examination of Forensic Experts**

(1) The examination of forensic experts specified in this Law (hereinafter – the examination) shall be accepted by the commission for examination of forensic experts.

(2) The commission for examination of forensic experts shall include:

1) a person authorised by the director of a forensic expert-examination institution;

2) a judge of a regional court;

3) a prosecutor;

4) an investigator;

5) a representative of the Ministry of Justice;

6) a representative of the academic staff of institutions of higher education.

(3) The chairperson of the commission for examination of forensic experts is a representative of the Ministry of Justice. The chairperson of the commission for examination of forensic experts may have one deputy.

(4) If there are no forensic experts in the composition of the commission for examination of forensic experts in the speciality in which an examination takes place, it shall invite to work in the commission with voting rights at least two forensic experts of the relevant speciality of forensic experts, or, if none, forensic experts of other similar speciality, or specialists in the relevant field according to its preferences.

(5) The composition of the commission for examination of forensic experts shall be approved by the Minister for Justice for three years.

**Section 8. Certification and Recertification**

(1) A candidate who conforms to the requirements referred to in Section 6 of this Law and has paid for certification, is entitled to take an examination.

(2) An examination shall be organised and ensured by the Council of Forensic Experts not less than once a year.

(3) The procedures for applying as a candidate, the content of examination, the procedures for certification, the minimum amount of knowledge, the fee for certification, the reliefs for fee for certification and amount thereof, and also the payment procedures thereof shall be determined by the Cabinet.

(4) Recertification of a forensic expert (hereinafter – the recertification) shall be performed by the Council of Forensic Experts before expiry of the term of validity of the forensic expert certificate. The procedures for recertification, the requirements for recertification, the fee for recertification and the payment procedures thereof shall be determined by the Cabinet.

(5) After recertification a forensic expert shall be issued a new forensic expert certificate.

(6) The candidates in the speciality of a forensic medicine expert or speciality of a forensic psychiatry expert need not take examination. The Council of Forensic Experts shall take a decision to issue a forensic expert certificate to a candidate in the speciality of forensic medicine expert or speciality of forensic psychiatry expert on the basis of the information from the Register of Medical Practitioners and Medical Treatment Support Persons regarding the number and term of validity of the certificate of the relevant person provided in writing by the competent authority specified in laws and regulations, and by assessing the compliance of the candidate with the requirements referred to in Section 6 of this Law.

**Section 9. Forensic Expert Certificate**

(1) The term of validity of the forensic expert certificate shall be five years.

(2) The Cabinet shall approve the sample of a forensic expert certificate and the Classification of Specialities of Forensic Experts.

**Chapter III. Activities of Forensic Experts**

**Section 10. State Forensic Expert**

(1) A State forensic expert is a forensic expert whose work duty is to perform forensic expert-examinations in a forensic expert-examination institution, a State institution of direct administration or a State capital company.

(2) The director of an institution shall inform the Council of Forensic Experts regarding appointing of a State forensic expert to the position and his or her removal from the position within five working days.

(3) A State forensic expert may not act concurrently as a private forensic expert.

(4) The Cabinet shall approve a price list of paid services of forensic expert-examinations within the competence of a State capital company in which the duties of a forensic expert are performed by a State forensic expert.

**Section 11. Forensic Expert-Examination Institutions**

(1) A forensic expert-examination institution is a State authority or unit thereof, a State capital company or unit thereof, the main activity of which is performance of forensic expert-examinations. A unit of a State authority or capital company may be a forensic expert-examination institution, if there are at least seven forensic experts in its composition.

(2) A list of forensic expert-examination institutions and specialities of forensic experts of each institution shall be approved by the Cabinet.

(3) A price list of paid services of forensic expert-examinations within the competence of a forensic expert-examination institution and State institution of direct administration, where the duties of a forensic expert are carried out by a State forensic expert, shall be approved in accordance with the procedures laid down in the Law On Budget and Financial Management.

(4) In criminal proceedings only such forensic expert-examination institutions which have been accredited in accordance with the procedures laid down in the laws and regulations governing conformity assessment, are entitled to be perform forensic expert-examinations which are related to determination of fingerprint data and DNA profiles.

**Section 12. Private Forensic Expert**

(1) A private forensic expert is a State recognised forensic expert who performs an expert-examination within the framework of his or her economic activity or on the basis of an employment contract with a merchant, and also in associations and foundations.

(2) A private forensic expert shall, within five working days after obtaining a forensic expert certificate, submit the information referred to in Section 4, Paragraph two, Clause 3 of this Law to the Council of Forensic Experts, and also in conformity with Section 5 of this Law, apply for registration the methods intended for the performance of the forensic expert-examination.

(3) A private forensic expert shall notify the Council of Forensic Experts regarding any changes in the provided information within three working days.

**Section 13. Restrictions on the Activities of Private Forensic Experts**

A private forensic expert does not have the right to perform:

1) a forensic expert-examination of firearms and ammunition thereof;

2) a forensic expert-examination of explosive devices and explosive substances;

3) a forensic expert-examination of coins and banknotes (except objects of historic significance);

4) a forensic expert-examination related to narcotic, psychotropic and highly potent substances and action thereof;

5) a forensic medicine expert-examination for dead persons;

6) a forensic expert-examination in relation to the professional activities of medical practitioners;

7) a forensic medical expert-examination for determination of the health condition of a suspect and an accused person;

8) an inpatient forensic psychiatric expert-examination.

**Section 14. Duties of Forensic Experts**

(1) A forensic expert shall be independent in the performance of forensic expert-examination and preparation of an opinion.

(2) A forensic expert has an obligation:

1) to perform an expert-examination to full extent by providing a scientifically substantiated and objective opinion of a forensic expert, and to keep all notes and other materials related to the investigation which ensure traceability of actions carried out and on the basis of which expert conclusions have been prepared;

2) to refuse from provision of an opinion of a forensic expert, if the received materials are not sufficient for the provision of such opinion, or there are other circumstances specified in the laws and regulations which prevent the performance of the requested expert-examination;

3) to refuse from provision of an opinion of a forensic expert if the questions asked do not conform to his or her competence;

4) to participate in court hearings, if he or she has been invited to such hearings;

5) in choosing the methods of research, to observe the requirements for preservation of the object and materials submitted for expert-examination;

6) to provide the information acquired during an expert-examination only to the person directing the proceedings, the person who ordered the expert-examination or his or her authorised person;

7) to issue copies of the opinion of a forensic expert upon request of the Council of Forensic Experts for ensuring the supervision and control functions, in conformity with the restrictions laid down in the laws and regulations;

8) in fulfilling the official duties, to perform activities, which do not affect the health, dignity and respect of a human being, and to observe the requirements for personal data protection;

9) to ensure that participation of a child in forensic expert-examination would not adversely affect his or her psyche and, where appropriate, to request that the person who ordered the expert-examination requests the presence of a psychologist;

10) to raise professional qualification on regular basis;

11) to perform a forensic expert-examination only in the speciality in which he or she has received a forensic expert certificate and in which there is equipment, devices necessary for the performance of a forensic expert-examination and methods registered with the Council of Forensic Experts.

**Section 15. Rights of a Forensic Expert**

A forensic expert has the right:

1) to request and receive all the materials and information necessary for the performance of an expert-examination;

2) after co-ordination with the person who ordered the expert-examination, to provide an opinion of a forensic expert not only regarding the questions asked, but also regarding other conditions which the expert has discovered upon his or her initiative pursuant to his or her competence;

3) to direct the attention of the person who ordered the expert-examination to any conditions which are related to the expert-examination (also to formulation of questions).

**Section 16. Content of an Opinion of a Forensic Expert**

(1) The following information shall be indicated in an opinion of a forensic expert:

1) the place and date of performance of the forensic expert-examination;

2) the justification of performance of the forensic expert-examination;

3) the person who has asked to perform the forensic expert-examination;

4) information regarding the forensic expert (the given name, surname, speciality, number of the forensic expert certificate);

5) the questions asked of the forensic expert;

6) the materials given to the disposal of the forensic expert;

7) the method used in the forensic expert-examination and version number of the method;

8) the results obtained during the study and their assessment;

9) the answers to the questions posed;

10) other information if any provided for in the law in accordance with which the expert-examination has been performed.

(2) An opinion of a forensic expert shall be confirmed by the forensic expert with a signature.

(3) If a repeat expert-examination is performed and the conclusion thereof differs from the initial conclusion of the expert-examination or if the expert-examination is performed by the forensic expert commission and conclusions of the members of the commission are different, a relevant explanation shall be included in the opinion of the forensic expert.

**Section 17. Types of Forensic Expert-examinations**

(1) A forensic expert or the forensic expert commission which consists of two forensic experts shall perform the initial, additional and repeat forensic expert-examination.

(2) A forensic expert or the forensic expert commission shall perform an initial expert-examination, if the study of the object is performed in order to provide answers to the questions posed in the decision for the first time.

(3) A forensic expert or the forensic expert commission which performed the initial expert-examination, shall perform an additional forensic expert-examination in order to clarify the course or conclusions of the study which the expert has provided in the initial opinion of the forensic expert. If it is not possible, the expert-examination shall be assigned to be performed by another forensic expert or forensic expert commission. Replies to answers shall be provided on the basis of the study performed in the initial expert-examination and, where necessary, the study performed additionally.

(4) A repeat expert-examination shall be performed by another forensic expert or other forensic expert commission, by studying the same objects and replying to the same questions which have been posed for the initial forensic expert-examination. The person who ordered the expert-examination shall indicate the reasons for ordering a repeat expert-examination in the document regarding ordering an expert-examination and submit the initial opinion of the forensic expert. If results of the repeat forensic expert-examination are different, the forensic expert shall indicate differences in the opinion and substantiate them.

(5) The expert-examination referred to in Paragraph one of this Section shall be performed by the forensic expert commission, if:

1) knowledge of forensic experts of one speciality is necessary for the provision of reply, by using the study methods registered with the Council of Forensic Experts for the study in the relevant speciality and by providing a joint opinion. If any of the forensic experts does not agree with the conclusions of other members of the commission, he or she shall provide a separate opinion, indicating the reasons for difference in the conclusions;

2) knowledge of forensic experts of different specialities are necessary for the provision of reply, by using different study methods and by providing a joint opinion (complex forensic expert-examination). If any of the forensic experts does not agree with the conclusions of other members of the commission, he or she shall provide a separate opinion, indicating the reason for difference in the conclusions;

3) loss or significant changes in the studied object, which exclude a possibility of repeated research, are anticipated in the result of the study;

4) a forensic expert-examination of identification of a person is to be performed;

5) a forensic expert-examination in relation to professional activities of medical practitioners is to be performed;

6) a forensic expert-examination for determination of the health condition of a person is to be performed and study of the object is performed by forensic experts of different fields of medicine.

(6) A forensic expert-examination of the expert commission shall be performed, if:

1) the expert-examination of the commission has been ordered by a person ordering the expert-examination;

2) the commission has been established by the director of an expert-examination institution;

3) the performance of an expert-examination is provided for in the laws and regulations.

(7) A complex forensic expert-examination shall be performed, if the same object is studied by forensic experts of different specialities of forensic experts and certain study sequence is followed in the study in order to ensure preservation of signs and features of the object.

(8) If it has been specified that a forensic expert-examination should be performed by a commission of forensic experts which consists of forensic experts from different forensic expert-examination institutions, such forensic expert-examination institution or forensic expert which or who organises the performance of the expert-examination, shall receive the decision to order an expert-examination, the objects to be studied and, if necessary, the materials of the case. Other forensic experts and forensic expert-examination institutions included in the commission shall receive the decision to order an expert-examination.

(9) A person directing the proceedings or the director of the expert-examination institution shall assign the performance of an expert-examination related to denuding of the body of a person in criminal proceedings which have been initiated regarding a criminal offence against morality or gender inviolability, to a forensic expert of the same sex, or, if the victim or his or her representative agrees to it, may assign the performance of such operation to a forensic expert of the opposite sex.

(10) If in a criminal offence against morality and gender inviolability the victim and the person who committed the criminal offence are persons of the same sex, the person directing proceedings or the head of forensic expert-examination institution shall assign the of performance of the expert-examination to a forensic expert of the opposite sex for the victim, if it is requested by the victim or his or her representative.

(11) The procedures for organising forensic expert-examinations in a forensic expert-examination institution, and also in the case when the expert-examination is performed by State forensic experts of several forensic expert-examination institutions or private forensic experts, shall be determined by the Cabinet.

(12) All data, opinions of forensic experts, documents, recordings, notes of experts and illustrative materials related to the performance of the expert-examination shall be stored for 10 years.

**Chapter IV. Council of Forensic Experts**

**Section 18. Council of Forensic Experts**

(1) The Council of Forensic Experts shall be an institution for the management and supervision of forensic experts. The Council of Forensic Experts:

1) shall approve training programmes in the specialities of forensic experts, and also organise certification and recertification;

2) shall take a decision to issue a forensic expert certificate, to suspend, renew and terminate its operation;

3) shall decide on initiating a disciplinary matter, application of disciplinary sanction or termination of a disciplinary matter;

4) shall supervise and control the activities of forensic experts;

5) shall register methods for the performance of an expert-examination;

6) shall request a copy of the opinion of a forensic expert for ensuring of the supervision and control functions, in conformity with the restrictions laid down in the laws and regulations;

7) shall develop the code of ethics of forensic experts;

8) shall participate in the development and implementation of the policy and strategy of the forensic expert-examination system, and also development of work organisation of the forensic expert-examination system;

9) shall examine submissions and complaints regarding activities of forensic experts.

(2) Decisions of the Council of Forensic Experts may be contested to the Ministry of Justice and appealed in accordance with the procedures laid down in the Administrative Procedure Law.

(3) The work of the Council of Forensic Experts shall be ensured by the Ministry of Justice or a person authorised thereby.

**Section 19. Composition of the Council of Forensic Experts**

(1) The composition of the Council of Forensic Experts shall consist of:

1) the directors of forensic expert-examination institutions or persons authorised thereby;

2) a representative of private forensic experts;

3) a judge of a district (city) court;

4) a judge of a regional court.

(2) The Minister for Justice shall approve the staff of the Council of Forensic Experts and appoint the chairperson from amongst the members of the Council of Forensic Experts. The same person may be a chairperson of the Council of Forensic Experts for not more than two terms of office in succession. The Minister for Justice shall remove the chairperson before the end of the term, if he or she has made flagrant infringements during the performance of his or her duties.

(3) The Cabinet shall approve the by-laws of the Council of Forensic Experts.

**Chapter V. Liability of Forensic Experts**

**Section 20. Initiating Disciplinary Matters**

(1) A disciplinary matter against a forensic expert shall be initiated by the Council of Forensic Experts on the basis of the proposal of the judge or a person directing the proceedings, a complaint of a person or its initiative in the following cases:

1) failing to conform with the laws and regulations which apply to activities of forensic experts;

2) failing to perform or gross negligence of professional duties which has been permitted during the performance of the expert-examination, or provision of an unjustified opinion of the forensic expert;

3) exceeding of authority;

4) illegal use of the position;

5) inappropriate and disrespectful behaviour or infringement of the ethical standards of forensic experts;

6) loss of the object submitted for expert-examination or wrongful damage thereof;

7) disclosure of data obtained from the expert-examination to persons who do not have any relation to ordering or performance of the expert-examination.

(2) The procedures for initiating a disciplinary matter of forensic experts shall be determined by the Cabinet.

(3) The Council of Forensic Experts shall inform a forensic expert regarding initiating a disciplinary matter and establishment of the commission for examining a disciplinary matter within seven days.

(4) A disciplinary matter shall not be initiated and the matter initiated shall be terminated and disciplinary sanction shall not be imposed, if three years have lapsed from the committing of an infringement.

**Section 21. Commission for Examining a Disciplinary Matter**

(1) In order to examine a disciplinary matter initiated against a forensic expert, the Council of Forensic Experts shall establish a commission for examining a disciplinary matter in the composition of at least three persons and appoint the chairperson of the commission for examining a disciplinary matter. The heads of at least two forensic expert-examination institutions or persons authorised thereby, and also one forensic expert in the relevant speciality, but, if none, one forensic expert according to the preferences of the Council of Forensic Experts shall be included in the composition of the commission for examining a disciplinary matter.

(2) If a disciplinary matter is initiated against a State forensic expert who is working in a forensic expert-examination institution, the head of the relevant expert-examination institution shall be included in the composition of the commission for examining a disciplinary matter. If the disciplinary matter is initiated against a State forensic expert who is not working in a forensic expert-examination institution, the director of the relevant institution or a person authorised by him or her shall be invited for work in the commission for examining a disciplinary matter in an advisory capacity.

(3) When examining a disciplinary matter regarding the infringement referred to in Section 20, Paragraph one, Clause 2 of this Law, two forensic experts of the relevant speciality of forensic experts shall be invited for work in the commission for examining a disciplinary matter in an advisory capacity, but, if none, two forensic experts according to the preferences of the Council of Forensic Experts.

(4) The Commission for examining a disciplinary matter may invite other experts of the relevant field for work in the commission in an advisory capacity.

(5) The work of the commission for examining a disciplinary matter shall be ensured by the Ministry of Justice or a person authorised thereby.

**Section 22. Examination of Disciplinary Matters, Types of Disciplinary Sanctions and Procedures for Application Thereof**

(1) If a disciplinary matter is initiated, the head of the forensic expert-examination institution or the head of the institution where a State forensic expert is working, based on the request of the commission examining a disciplinary matter, has an obligation to provide information at the disposal of the institution regarding circumstances to be ascertained in the disciplinary matter in accordance with the laws and regulations governing personal data protection and protection of the rights of patients.

(2) A forensic expert against whom a disciplinary matter has been initiated has the right to become acquainted with the materials of the relevant matter, provide additional explanations and petitions.

(3) The procedures for examining a disciplinary matter shall be determined by the Cabinet.

(4) The Council of Forensic Experts may impose one of the following disciplinary sanctions on a forensic expert for a disciplinary infringement:

1) a reprimand;

2) withdrawal of the forensic expert rights.

(5) A forensic expert may contest the decision of the Council of Forensic Experts to impose a disciplinary sanction to the Ministry of Justice within one month from the day of entering into effect of the decision. The decision of the Ministry of Justice may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law.

**Section 23. Extinguishment of Disciplinary Sanction**

A disciplinary sanction shall be considered to be extinguished if, within two years from the date when it has entered into effect, no new disciplinary sanction has been imposed upon the forensic expert.

**Section 24. Suspension and Termination of Operation of a Forensic Expert Certificate**

(1) The Council of Forensic Experts shall suspend the operation of a forensic expert certificate for a time period which does not exceed two years, provided that:

1) the institution in which the State forensic expert is working, or the private forensic expert has not submitted a methodology description in the relevant speciality to the Council of Forensic Experts;

2) the forensic expert has informed the Council of Forensic Experts regarding long-term absence (a parental leave, long-term disease).

(2) The Council of Forensic Experts has the right to suspend the operation of a forensic expert certificate for a time period which does not exceed two years, if:

1) the forensic expert is a person prosecuted or a suspect in criminal proceedings regarding committing of an intentional criminal offence;

2) a disciplinary matter has been initiated against the forensic expert;

3) the forensic expert has not fulfilled that laid down in Section 14, Paragraph two, Clause 3 of this Law.

(3) The Council of Forensic Experts shall decide on renewal of operation of the forensic expert certificate, if the grounds for suspending the operation of the forensic expert certificate cease to exist and the duration of suspension of the forensic expert certificate specified in Paragraphs one and two of this Section is not exceeded. The decision shall be taken on the basis of a submission of a forensic expert.

(4) The Council of Forensic Experts shall terminate the operation of a forensic expert certificate, if:

1) Section 6, Paragraph three, Clause 2, 3, 4, 5 or 7 of this Law is applicable to the forensic expert;

2) the term of validity of the relevant certificate of the medical practitioner has expired for the forensic expert in the speciality of forensic-medicine expert and speciality of forensic psychiatry expert;

3) the term of suspension of a forensic expert certificate has exceeded two years;

4) the forensic expert has submitted a submission for termination of operation of the certificate;

5) a disciplinary sanction has been imposed repeatedly on a forensic expert for whom a disciplinary sanction has not been extinguished;

6) a disciplinary sanction has been imposed on a forensic expert – withdrawal of the rights of the forensic expert.

(5) The time period for which the operation of a forensic expert certificate is suspended, shall be included in the time period of validity of the forensic expert certificate.

(6) The person for whom the operation of a forensic expert certificate has been terminated, may apply for obtaining a new forensic expert certificate, if the operation of the forensic expert certificate has been terminated on the basis of Paragraph four, Clauses 2, 3 and 4 of this Section.

(7) The Council of Forensic Experts, having established the infringement specified in this Law in the action of a forensic medicine expert or forensic psychiatry expert, is entitled to submit a proposal to the Latvian Medical Association regarding cancellation of the certificate of the relevant medical practitioner in the main speciality of the forensic medicine expert or sub-speciality of the forensic psychiatry expert.

**Section 25. Criminal Liability of Forensic Experts**

A forensic expert, upon obtaining a certificate, shall certify with a signature that he or she has been warned that he or she is to be held liable in accordance with the Criminal Law for unjustified refusal to perform an expert-examination or knowing provision of a false expert opinion.

**Transitional Provisions**

1. With the coming into force of this Law, the Law On Forensic Experts adopted on 14 September 2006 (*Latvijas Republikas un Ministru Kabineta Ziņotājs*, 2006, No. 20; 2009, No. 2; *Latvijas Vēstnesis*, 2009, No. 193), is repealed.

2. Until the day of coming into force of the Cabinet regulations provided for in Section 8, Paragraphs three and four, Section 9, Paragraph two, Section 11, Paragraph two, Section 19, Paragraph three, Section 20, Paragraph two and Section 22, Paragraph three of this Law, however, not longer than until 31 July 2016 the following Cabinet regulations shall be in force, insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 753 of 13 November 2007, Regulations Regarding the List of Forensic Expert-examination Institutions;

2) Cabinet Regulation No. 427 of 10 June 2008, Procedures for Certification and Recertification of Forensic Experts;

3) Cabinet Regulation No. 465 of 30 June 2008, By-laws of the Council of Forensic Experts;

4) Cabinet Regulation No. 564 of 21 July 2008, Procedures for Examining Disciplinary Matters and Application of Sanctions;

5) Cabinet Regulation No. 466 of 21 July 2011, Classification of Specialities of Forensic Experts.

3. Within two months from the day of coming into force of this Law, the capital companies where office duties are performed by court psychiatry experts, shall submit the methods of forensic expert-examination used in the forensic psychiatry expert-examination to the Council of Forensic Experts for registration until the day of coming into force of this Law.

4. The Cabinet shall issue the regulations referred to in Section 17, Paragraph eleven of this Law by 31 July 2016.

5. Forensic experts for whom a forensic expert certificate has been issued in accordance with a law or regulation governing the activities of forensic experts which was in force until the day of coming into force of this Law, shall append the document attesting education referred to in Section 6, Paragraph one, Clause 1 of this Law to the application for recertification. If a forensic expert, in order to obtain education corresponding to the selected speciality, studies in an accredited study programme (academic study programme or a second level higher vocational study programme) or acquires a master's degree in an accredited study programme corresponding to the speciality in an institution of higher education, or acquires post-graduate education in the selected speciality, education must be acquired until 1 July 2019.

6. The Minister for Justice shall approve a new staff of the Council of Forensic Experts by 31 August 2016. The present Council of Forensic Experts shall continue work until approval of the new staff of the Council of Forensic Experts.

7. The Minister for Justice shall approve a new staff of the commission for examination of forensic experts by 31 August 2016. The present commission for examination of forensic experts shall continue work until approval of the new staff of the commission for certification of forensic experts.

8. A person who, on the day of coming into force of this Law, performs the duties of an expert in a State institution of direct administration or in a State capital company and has received a forensic medicine expert certificate or a forensic psychiatry expert certificate issued by the Latvian Medical Association, shall be considered as equivalent to a State forensic expert, and such person shall be issued a forensic expert certificate within one month after the day of coming into force of this Law on the basis of a recommendation letter of the director of the forensic expert-examination institution and a document confirming the rights of a forensic expert submitted to the Council. The validity period of a forensic expert certificate shall be determined pursuant to the time period specified in the document confirming the rights of the forensic expert. If a time period has not been specified in the document confirming the rights of the forensic expert, the forensic expert certificate shall be issued for five years.

This Law has been adopted by the *Saeima* on 11 February 2016.

Acting for the President – Chairperson of the *Saeima* I. Mūrniece

Riga, 1 March 2016