

## **2023 Review of Criminal Procedure Law:**

### **Analysis of the New Criminal Forensic Law**

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#### **Abstract**

In 2017, a subcommittee of the Presidential Office's National Judicial Reform Conference resolved to "urge the Judicial Yuan to deliberate and improve the expert witness system, while also reviewing the deficiencies of the current forensic system and addressing whether it should be retained." After years of deliberation by the Judicial Yuan and the Executive Yuan, the Legislative Yuan passed the new Criminal Forensic Law in December 2023. The new law grants parties the right to independently appoint forensic agencies during trials, increases the obligation for forensic experts to disclose any conflicts of interest, specifies the necessary elements of forensic reports with reference to the U.S. Federal Rules of Evidence, and limits the admissibility of written forensic reports as evidence. To some extent, this improves the defendant's ability to challenge unfavorable forensic reports. However, this article's analysis shows that the right granted to parties to independently appoint forensic agencies is merely symbolic, and the unconstitutional use of written forensic reports as a hearsay exception persists, failing to truly address the flaws of the old law. The new law's adoption of the U.S. Federal Rules of Evidence for the admissibility of scientific forensic reports overlooks the differences in criminal procedural structures between the two countries, thus replicating practical challenges. Therefore, it is anticipated that the 2023 Criminal Forensic Law is not the final stage of forensic reform.

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