

Senate Bill 508

By: Senators Jackson of the 50th, Lee of the 29th, Kemp of the 3rd, Shafer of the 48th,
Golden of the 8th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to the Division of Forensic Sciences within the Georgia Bureau of Investigation, so
3 as to designate reports issued by the state crime laboratory as prima-facie evidence of the
4 facts contained in such report; to deem such reports admissible in court without the testimony
5 of the employee who performed the tests and created the report; to allow the defendant to
6 demand that the employee who performed the tests testify; to provide for related matters; to
7 provide for applicability; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 6 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
11 Division of Forensic Sciences within the Georgia Bureau of Investigation, is amended by
12 inserting immediately following Code Section 35-3-154 a new Code section to read as
13 follows:

14 "35-3-154.1.

15 (a) A copy of a report of the methods and findings of any examination or analysis
16 conducted by an employee of the state crime laboratory, authenticated under oath by the
17 employee, is prima-facie evidence in all grand jury and court proceedings in the State of
18 Georgia of the facts contained in such report reciting the methods and findings. The
19 signature of the employee can be written or in electronic format.

20 (b) The report has the same force and effect as if the person who performed the analysis
21 or examination had testified in person. The report shall be accompanied by an affidavit of
22 the employee who performed the test or tests and created the report stating:

23 (1) That he or she is certified as qualified to perform the requisite analysis or
24 examination;

25 (2) His or her training and experience as a chemist or analyst, including the number of
26 times he or she has been qualified as an expert witness and testified in court; and

1 (3) That he or she conducted the test or tests shown on the report using procedures
2 approved by the Georgia Bureau of Investigation and that the report accurately reflects
3 his or her opinion regarding the results of those tests.

4 (c) The prosecuting attorney shall serve a copy of the report on the attorney of record for
5 the defendant, or on the defendant if the defendant has no attorney, prior to the first judicial
6 proceeding in which the report is to be used against the defendant.

7 (d) Any report issued for use under this Code section shall contain notice of the right of
8 the defendant to demand the testimony of the person signing the report.

9 (e) The defendant or opposing party may object in writing any time after service of the
10 report upon him or her, but not later than ten days prior to trial of the case, to the
11 introduction of the report from the state crime laboratory. If such objection is made, the
12 trial judge shall require the state crime laboratory employee to be present for the purpose
13 of personally testifying. The state shall diligently investigate the availability of the crime
14 laboratory witness and report back to the court. If the witness is not available on a timely
15 basis, the court shall grant a continuance until the next available trial or hearing date when
16 the witness will be available.

17 (f) Nothing in this Code section precludes the right of any party to call any witness or to
18 introduce any evidence supporting or contradicting the evidence contained in the report."

19 **SECTION 2.**

20 This Act shall not apply to any proceedings instituted before the effective date of this Act.
21 Any such proceedings shall be governed by the statutes in effect at the time the proceedings
22 were instituted.

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.