

Senator Jackson of the 50th offered the following amendment to HB 1192:

By inserting after line 24:

“SECTION 2.A.

“35-3-154.1.

(a) A copy of a report of the methods and findings of any examination or analysis conducted by an employee of the state crime laboratory, authenticated under oath, is prima-facie evidence in court proceedings in the State of the facts contained therein.

(b) The report shall have the effect as if the person who performed the analysis or examination had personally testified and shall have an affidavit of the employee stating that:

(1) He or she is certified to perform the requisite analysis or examination;

(2) His or hers experience as a chemist or analyst and as an expert witness testifying in court; and

(3) He or she conducted the tests shown on the report using procedures approved by the Bureau and the report accurately reflects his opinion regarding the results.

(c) The prosecuting attorney shall serve a copy on defendant’s attorney of record or on defendant if pro se, prior to the first proceeding the report is to be used against defendant.

(d) Any report under this Code section shall contain notice of the right to demand the testimony of the person signing the report.

(e) The defendant may object in writing any time after service of the report, but at least ten days prior to trial, to the introduction of the report. If objection is made, the judge shall require the employee to be present to testify. The state shall diligently investigate the witness’ availability and report to the court. If the witness is not available on a timely basis, the court shall grant a continuance.”