



HOUSE BILL 59: Clarify Report Admissibility

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-173

Date:

Prepared by: Susan Sitze
Staff Attorney

SUMMARY: *S.L. 2015-173 clarifies the admissibility of reports of forensic and chemical analysis and provides that court reporting will not be provided for ex parte or emergency hearings on certain protective orders.*

This act became effective July 31, 2015. The provisions regarding admissibility of reports apply to notices of intent to introduce a statement or report provided by the State on or after that date. The provisions regarding ex parte or emergency hearings apply to hearings conducted on or after that date.

CURRENT LAW: Several statutes in current law allow the admission of a statement or report of forensic or chemical analysis in a criminal trial either without the personal appearance of the analyst, or with the analyst being allowed to testify remotely. These admissions are allowed only after notice by the State of the intent to admit the statement or report and failure by the defendant to file an objection to the admission of the report.

BILL ANALYSIS:

Sections 1 through 4 of the act amend each of the statutes allowing admission of a statement or report of forensic or chemical analysis by clarifying that if the State provides the required notice and the defendant does not object within the required time, the "objection shall be deemed waived".

Section 5 of the act provides that ex parte or emergency hearings before a judge pursuant to Chapter 50B or 50C will not be recorded by a court reporter in district court.

EFFECTIVE DATE: This act became effective July 31, 2015. Sections 1 through 4 apply to notices of intent to introduce a statement or report provided by the State on or after that date. Section 5 applies to ex parte or emergency hearings conducted on or after that date.

