

HOUSE BILL REPORT

SSB 6055

*As Reported By House Committee on:
Judiciary*

Title: An act relating to the crime laboratory system of the state patrol.

Brief Description: Providing for the use as evidence the reports by or testimony from criminologists of the state's crime laboratory.

Sponsor(s): Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen and Newhouse).

Brief History:

Reported by House Committee on:
Judiciary, February 18, 1992, DPA.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; H. Myers; Riley; and Vance.

Staff: Margaret Allen (786-7191).

Background:

In 1970, the Legislature created a drug control assistance unit in the Washington State Patrol. One responsibility of the unit was to provide laboratory services in analyzing physical evidence from any crime. In 1980, the Legislature removed the responsibility for such laboratory services from the drug control assistance unit and placed the responsibility with a newly created crime laboratory system, also within the State Patrol.

According to State Patrol statistics, the crime laboratory system currently has six laboratories employing a total of 56 forensic scientists. Forty-four of those are "bench" forensic scientists who spend the majority of their time working cases, eight are supervisors who spend approximately 25 percent of their time working cases, and four are

managers who spend a minimal amount of time working cases. The crime laboratory system also has an overall director.

During 1991, the crime laboratory system processed approximately 18,400 cases, 80 to 85 percent of which were controlled substance cases.

Currently, whether a forensic scientist is required to testify in a contested case depends in part on whether the defense will stipulate to the validity of the scientist's written report. In the majority of controlled substance cases the scientist reportedly is required to testify.

Approximately 3 percent of total forensic scientist time, including all three job classifications, is spent testifying in court. Eighty-five percent of forensic scientist time spent in court is on controlled substance cases.

Summary of Amended Bill:

In all prosecutions involving the analysis of a controlled substance by the State Patrol crime laboratory system, a certified copy of the analytical report signed by the laboratory supervisor or the forensic scientist conducting the analysis is prima facie evidence of the results.

The defendant or prosecutor may subpoena the forensic scientist who conducted the analysis to testify, at no cost to the defendant, if the subpoena is issued at least 10 days prior to the trial date.

Amended Bill Compared to Substitute Bill:

In the substitute bill, a certified copy of the analytical report was evidence, rather than prima facie evidence, of the results of the analysis.

The substitute bill allowed only the defendant to subpoena, at no cost, the forensic scientist who conducted the analysis, whereas the substitute bill as amended extends the right to the prosecutor as well. To exercise that right, in the substitute bill the defendant was required to give 30 days' notice to the director of the crime laboratory system of the defendant's intention to require the scientist's appearance. In the substitute bill as amended, the party exercising the right need only issue the subpoena at least 10 days before the trial date.

Also, the substitute bill referred to a forensic scientist as a "criminologist."

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.