

SENATE BILL REPORT

SSB 6055

AS PASSED SENATE, FEBRUARY 5, 1992

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

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

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6055 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Erwin, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Jon Carlson (786-7459)

Hearing Dates: January 22, 1992

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

At present, the forensic scientists (criminologists) employed by the State Patrol's Crime Laboratory spend an excessive amount of their time testifying in court on cases involving the analysis of controlled substances. There is no law which requires a court to accept a signed analytical report as evidence in a case. The criminologist who performs the analysis can be required to appear in court in order to present the evidence contained in the report. This results in less time spent by the criminologist in the laboratory, which creates a backlog of work. Legislation is recommended which would help reduce the amount of time a criminologist spends in court testifying with regard to cases involving controlled substances.

SUMMARY:

The results of a controlled substance analysis performed by the Crime Laboratory system of the State Patrol may be presented as evidence in a prosecution by means of a certified copy of the report signed by the supervisor of the State Patrol's Crime Laboratory or the criminologist conducting the analysis.

The defendant may subpoena the criminologist who conducted the analysis to testify at the preliminary hearing and trial at no cost. The defendant must give notice to the director of the crime laboratory system 30 days prior to issuing the subpoena.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This measure will allow the State Patrol's criminologists to spend more time in the laboratory and thus help reduce the work backlog.

TESTIMONY AGAINST: None

TESTIFIED: Tim Erickson, Washington State Patrol

HOUSE AMENDMENT(S):

"Forensic scientist" is substituted for "criminologist."

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

A State Patrol Crime Laboratory analysis fee of \$100 is charged to adults convicted of a crime or minors adjudicated as juvenile offenders in those cases in which an analysis is performed. The court may suspend payment of all or part of the fee if it finds that the person is unable to pay.

The fee is collected by the clerk of the court and forwarded to the state general fund, to be used only for crime laboratories. The clerk may retain \$5 to defray the costs of collection.