

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/1/99

A Bill

Act 565 of 1999
SENATE BILL 239

5 By: Senator Webb
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE §12-12-313 TO ALLOW THE
10 TESTIMONY OF STATE CRIME LABORATORY ANALYSTS VIA
11 CLOSED-CIRCUIT OR SATELLITE TRANSMITTED TELEVISION IN
12 CRIMINAL TRIALS; AND FOR OTHER PURPOSES. "
13

Subtitle

15 "TO AMEND ARKANSAS CODE §12-12-313 TO
16 ALLOW THE TESTIMONY OF STATE CRIME
17 LABORATORY ANALYSTS VIA CLOSED-CIRCUIT
18 OR SATELLITE TRANSMITTED TELEVISION IN
19 CRIMINAL TRIALS. "
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code §12-12-313 is amended to read as follows:

25 "12-12-313. Records as evidence - Analyst's testimony.

26 (a) The records and reports of autopsies, evidence analysis, drug
27 analysis, and any investigations made by the State Crime Laboratory under the
28 authority of this subchapter shall be received as competent evidence as to the
29 matters contained therein in the courts of this state subject to the
30 applicable rules of criminal procedure when duly attested to by the executive
31 director or his assistants, associates, or deputies.

32 (b) Nothing in this section shall be deemed to abrogate a defendant's
33 right of cross-examination if notice of intention to cross-examination is
34 given prior to the date of hearing or trial pursuant to the applicable rules
35 of criminal procedure.

36 (c) The testimony of the appropriate analyst may be compelled by the

1 issuance of a proper subpoena, in which case the records and reports shall be
2 admissible through the analyst who shall be subject to cross-examination by
3 the defendant or his counsel, either in person or via two-way closed circuit
4 or satellite transmitted television pursuant to subsection (e).

5 (d)(1) All records and reports of evidence analysis of the State Crime
6 Laboratory shall be received as competent evidence as to the facts in any
7 court or other proceeding when duly attested to by the ~~employee~~ analyst who
8 performed the analysis.

9 (2) The defendant shall give at least ten (10) days notice prior
10 to the proceedings that he requests the presence of the ~~employee~~ analyst of
11 the State Crime Laboratory who performed the analysis for the purposes of
12 cross-examination.

13 (3) Nothing in this subsection shall be construed to abrogate the
14 defendant's right to cross-examination.

15 (e) In all criminal trials, except trials in which the defendant is
16 charged with capital murder or murder in the first degree, upon motion of the
17 prosecutor, after notice to the defendant, and upon proper showing of good
18 cause and sufficient safeguards to satisfy all state and federal
19 Constitutional requirements of oath, confrontation, cross-examination, and
20 observation of the witness' demeanor and testimony by the defendant, the court
21 and the jury, and absent a showing of prejudice by the defendant, the court
22 may allow the prosecutor to present the testimony of the appropriate analyst
23 by contemporaneous transmission from a State Crime Laboratory facility via
24 two-way closed-circuit or satellite transmitted television which shall allow
25 the examination and cross-examination of the analyst to proceed as though the
26 analyst were testifying in the courtroom."

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28 SECTION 2. All provisions of this Act of a general and permanent nature
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
30 Revision Commission shall incorporate the same in the Code.

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32 SECTION 3. If any provision of this Act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the Act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this
36 Act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this Act are
SECTION 4. All laws and parts of laws in conflict with this Act are hereby
repealed.

/s/ Webb

APPROVED: 3/15/1999