

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1335

By: Representative Gilbert

For An Act To Be Entitled

"AN ACT TO PROVIDE THAT CERTIFIED DOCUMENTS FROM THE BLOOD ALCOHOL PROGRAM OF THE ARKANSAS DEPARTMENT OF HEALTH SHALL BE ADMISSIBLE AS EVIDENCE IN THE COURTS OF THIS STATE; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) The records and reports of certifications, rules, evidence analysis, or other documents pertaining to work performed by the Blood Alcohol Program of the Arkansas Department of Health under authority of this subchapter, shall be received as competent evidence as to the matters contained therein in the courts of this state subject to the applicable rules of criminal procedure when duly attested to by the Program Director or his/her assistant either by original signature or by certification of a copy.

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

(c) The testimony of the appropriate analyst or official may be compelled by the issuance of a proper subpoena, in which case the records and reports shall be admissible through the analyst who shall be subject to cross-examination by the defendant or his counsel.

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

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.