

1 SB414
2 129159-1
3 By Senator Keahey
4 RFD: Judiciary
5 First Read: 19-APR-11

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8 SYNOPSIS: Under existing law, in a criminal case, or
9 juvenile or family court case which is of a
10 criminal nature, the prosecuting authority may
11 offer a certificate of analysis, in lieu of direct
12 testimony.

13 This bill would allow a certificate of
14 analysis to be used in lieu of direct testimony in
15 civil forfeiture cases related to drugs.

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 To amend Section 12-21-300, Code of Alabama 1975, to
22 allow a certificate of analysis to be used in lieu of direct
23 testimony in a civil forfeiture case related to drugs.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 12-21-300, Code of Alabama 1975,
26 is amended to read as follows:

27 "§12-21-300.

1 "(a) In any criminal case, civil forfeiture case, or
2 juvenile or family court case which is of a criminal nature,
3 the prosecuting authority may offer a certificate of analysis
4 as described below, in lieu of direct testimony. The court
5 shall receive as evidence the certificate of analysis from any
6 of the following:

7 "(1) A person performing an analysis or examination
8 in any laboratory operated by the Alabama Department of
9 Forensic Sciences or authorized by the department to conduct
10 an analysis or examination of the type performed.

11 "(2) A person performing an analysis or examination
12 in any criminalistics laboratory established pursuant to
13 federal law.

14 "(b) To be admissible pursuant to this section, a
15 certificate of analysis shall contain all of the following:

16 "(1) The date and time the evidence was delivered to
17 the facility.

18 "(2) The name of the person making the delivery, and
19 the name of the person receiving the delivery.

20 "(3) A brief description of the evidence.

21 "(4) The type of examination or analysis requested.

22 "(5) The name of the person making the examination
23 or analysis.

24 "(6) The date or dates of the examination or
25 analysis.

26 "(7) The results of the examination or analysis.

1 "The certificate of analysis shall give the name and
2 address of the facility in which the examination or analysis
3 was made, and it shall be signed by and sworn to as true and
4 correct, under penalty of law, by the person making the
5 examination or analysis."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.