

SECOND REGULAR SESSION

SENATE BILL NO. 791

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3295S.011

AN ACT

To repeal section 544.376, RSMo, and to enact in lieu thereof one new section relating to crime laboratory reports.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 544.376, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 544.376, to read as follows:

544.376. 1. At any preliminary hearing conducted in the courts of this
2 state, a report from any crime laboratory in the state, or from any federal crime
3 laboratory, relating to the testing, analysis, identification, or comparison of
4 evidence and certified under the seal of that laboratory shall be received into
5 evidence on the issue of the results of scientific tests. The accused or his attorney
6 of record shall be provided with a copy of such report at least ten days prior to
7 the preliminary hearing and shall have the opportunity before the hearing upon
8 notice to the state of the time and place to conduct the interview, which may be
9 recorded, of any person who conducted the testing, analysis, identification, or
10 comparison of evidence which is the subject matter of the report. Nothing in this
11 section shall affect the right of the accused to subpoena such person.

12 **2. At any trial for criminal prosecution, a report from any crime**
13 **laboratory in the state, or from any federal crime laboratory, relating**
14 **to the testing, analysis, identification, or comparison of evidence and**
15 **certified under the seal of the laboratory shall be received into**
16 **evidence on the issue of the results of scientific tests. The accused or**
17 **his or her attorney of record shall be provided with a copy of such**
18 **report pursuant to supreme court rule 25 and shall have seven days**
19 **from the date of receipt to request to depose any person who conducted**
20 **the testing, analysis, identification, or comparison of evidence that is**

21 the subject matter of the report. Such deposition shall be conducted
22 prior to trial, upon notice to the state of the time and place of the
23 interview, and may be recorded. If the accused or his or her attorney
24 does not request to conduct a deposition within the seven-day period
25 following receipt of the report, the accused shall be deemed to have
26 waived the right to conduct such a deposition and the right to confront
27 such person at trial if he or she is otherwise unavailable. Nothing in
28 this section shall affect the right of the accused to subpoena such
29 person.

Unofficial

Bill

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