

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB500

House of Origin ☐ Introduced ☒ Substitute ☒ Engrossed
Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Gilbert

3. Committee: Courts of Justice

4. Title: Admissibility of certificates of analysis at preliminary hearing; at trial

5. Summary: This bill provides that at any preliminary hearing, certificates of analysis and reports prepared by lab analysts, etc., shall be admissible without the testimony of the person preparing such certificate or report. The bill also provides that when such an analyst appears in court on the day of trial to testify, the certificate of analysis shall be admissible (over procedural objection). The bill also provides that if the defendant demands the testimony of an analyst, and is convicted, he shall pay \$50 in travel costs as court costs.

6. Fiscal impact estimates: Preliminary. See Item #8.

7. Budget amendment necessary: No.

8. Fiscal implications: The number of accused persons who would demand the presence of the person who performed an analysis or examination and then who would be subsequently found guilty of the related charge is indeterminate. Though a \$50 charge would be assessed for expenses relating to the appearance of a witness, there is no way to know when such funds would be received. However, it is assumed that all such fees collected as court costs would be directed to the general fund.

9. Specific agency or political subdivisions affected: Courts, Commonwealth Attorneys, Department of Forensic Science, Office of the Chief Medical Examiner, Consolidated Laboratories.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 2/24/10/jlv

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cc: Secretary of Public Safety