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HOUSE BILL NO. 2323

Offered January 17, 1997

A *BILL to amend and reenact § 19.2-187 of the Code of Virginia, relating to admissibility of certificates of analysis.*

Patrons—Albo, Forbes, McDonnell and Moran

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-187 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-187. Admission into evidence of certain certificates of analysis.

In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.) of this title, a certificate of analysis of a person performing an analysis or examination, performed in any laboratory operated by the Division of Consolidated Laboratory Services or the Division of Forensic Science or authorized by such Division to conduct such analysis or examination, or performed by the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, or the United States Secret Service Laboratory when such certificate is duly attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the hearing or trial and (ii) a copy of such certificate is mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at least seven days prior to the hearing or trial upon request of such counsel. *However, in the case of a certificate of analysis of blood alcohol content for use as evidence in a prosecution under § 18.2-36.1, § 18.2-266 or § 18.2-266.1 or a similar ordinance, only the attorney for the Commonwealth shall be required to respond to a request for a copy of the certificate made by counsel of record for the accused. Upon such request, the attorney for the Commonwealth shall ensure that a copy of the certificate is mailed or delivered to counsel at least seven days prior to the hearing or trial. His failure to do so shall be grounds for a continuance of a hearing or trial but shall not be a bar to the admissibility of the certificate.*

The certificate of analysis of any examination conducted by the Division of Forensic Science relating to a controlled substance or marijuana shall be mailed or forwarded by personnel of the Division of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

Any such certificate of analysis purporting to be signed by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it.

INTRODUCED

HB2323