

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6720

BILL NUMBER: SB 246

NOTE PREPARED: Dec 23, 2011

BILL AMENDED:

SUBJECT: Lab Technician Testimony in Criminal Cases.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: This bill has the following provisions:

- A. *Notice of Intent* – It requires a prosecuting attorney who intends to introduce a laboratory report into evidence to file a notice of intent at least 20 days before the trial, and requires a defendant who wishes to cross-examine the technician who prepared the laboratory report to file a pretrial demand for cross-examination not later than 10 days after receiving the notice from the prosecutor.

- B. *Admissibility of Lab Report* – It provides that if a defendant properly files a pretrial demand for cross-examination, a laboratory report is not admissible into evidence unless the technician who prepared the report testifies at trial, except that the laboratory report is admissible without the testimony of the technician if the technician is unavailable for trial and the defendant was provided a pretrial opportunity to cross-examine the technician.

- C. *Waiver of Right* – It provides that a defendant's failure to properly file a pretrial demand for cross-examination constitutes a waiver of the right to cross-examine the laboratory technician.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Prosecuting Attorneys; Trial courts with criminal jurisdiction; Public Defender agencies

Information Sources:

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