

**ADMISSION OF AFFIDAVITS INTO
EVIDENCE**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca D. Lockhart

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill provides a procedure by which a criminal defendant can object to the admission of crime lab reports.

Highlighted Provisions:

This bill:

- ▶ requires the defendant to provide notice of an objection to an analytical report;
- ▶ requires the defendant to be specific in the objection;
- ▶ provides the court with instructions if the objection is sustained; and
- ▶ provides that if the defendant fails to raise an objection, the right to have the affiant

testify is waived.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-14-7, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section 77-14-7 is enacted to read:

29 77-14-7. Admission of crime lab report -- Objection by defendant -- Written
30 notice requirements.

31 (1) Notwithstanding any other provision of law, in all prosecutions in which an
32 analysis of a controlled substance or other evidentiary sample was conducted, a copy of the
33 analytical report signed by the director of the laboratory, or by the analyst or forensic scientist
34 conducting the analysis, shall be admitted as prima facie evidence of the results of the
35 analytical findings, and the chain of custody pertaining to that sample, unless the defendant has
36 provided notice to the prosecutor of an objection not less than 60 days prior to trial. If the
37 defendant intends to object at trial to the admission of a copy of an analytical report as
38 provided in this section, the defendant shall file a timely written notice of the objection with
39 the court and serve a copy of the notice on the prosecuting attorney.

40 (2) If the defendant makes an objection, the defendant must specify sufficient legal and
41 factual grounds for the objection to give the prosecution reasonable notice of the issues and to
42 enable the court to determine appropriate proceedings to address them.

43 (3) If the court sustains the defendant's objection, the court may order the prosecution
44 to produce the witness, and continue the trial for a length of time the court considers reasonably
45 necessary to prepare for and receive the testimony. The time within which a trial is required is
46 extended by the length of the continuance.

47 (4) If a defendant fails to raise an objection to the admission of a copy of an analytical
48 report into evidence under Subsection (1), the defendant waives the right to have the affiant
49 testify in court at the trial.

Legislative Review Note
as of 1-21-10 3:38 PM

Office of Legislative Research and General Counsel

H.B. 251 - Admission of Affidavits into Evidence

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations. Provisions of this bill may prevent costs to the state in court proceedings.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
