

HOUSE BILL REPORT

HB 2303

*As Reported By House Committee on:
Judiciary*

Title: An act relating to the crime laboratory system of the state patrol.

Brief Description: Providing for the use as evidence of reports by or testimony from criminologists of the state's crime laboratory.

Sponsor(s): Representatives Ludwig, Padden, Riley and Silver.

Brief History:

Reported by House Committee on:
Judiciary, February 6, 1992, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Margaret Allen (786-7191).

Background: In 1970, the Legislature created a drug control assistance unit in the Washington State Patrol. One responsibility of the unit was to provide laboratory services in analyzing physical evidence from any crime. In 1980, the Legislature removed the responsibility for such laboratory services from the drug control assistance unit and placed the responsibility with a newly created crime laboratory system, also within the state patrol.

According to state patrol statistics, the crime laboratory system currently has six laboratories employing a total of 56 forensic scientists. Of those, 44 are "bench" forensic scientists who spend the majority of their time working cases; eight are supervisors who spend approximately 25 percent of their time working cases, and four are managers who spend a minimal amount of time working cases. The crime laboratory system also has an overall director.

During 1991, the crime laboratory system processed approximately 18,400 cases, 80 to 85 percent of which were controlled substance cases.

Currently, whether a forensic scientist is required to testify in a contested case depends in part on whether the defense will stipulate as to the validity of the scientist's written report. In the majority of controlled substance cases the scientist reportedly is required to testify.

Approximately 3 percent of total forensic scientist time, including all three job classifications, is spent testifying in court. Of forensic scientist time, 85 percent is spent in court on controlled substance cases.

Summary of Substitute Bill: In all prosecutions involving the analysis of a controlled substance by the state patrol crime laboratory system, a certified copy of the analytical report signed by the laboratory supervisor or the forensic scientist conducting the analysis is prima facie evidence of the results.

The defendant may subpoena the forensic scientist who conducted the analysis to testify, at no cost to the defendant, if the subpoena is issued at least 10 days prior to the trial date.

Substitute Bill Compared to Original Bill: Under the original bill the defendant was required to give the director of the crime laboratory system 30 days' notice prior to issuing the subpoena. Also, the original bill referred to a forensic scientist as a "criminologist."

Fiscal Note: Requested January 27, 1992.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill): This bill would allow the scientist to remain in the laboratory rather than to spend time traveling to and from court.

Testimony Against: (Original bill): An advance notice requirement of 30 days is too long. Discovery may not take place in time to give the advance notice. A 10-day requirement would be acceptable.

Witnesses: Michael Hanbey, Washington Association of Criminal Defense Lawyers (opposes original 30-day notice requirement); Tim Erickson, Washington State Patrol (supports); and John Ladenberg, Washington Association of Prosecuting Attorneys (supports).