

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 36

Short Title: Expand Chem. Analysis Sites/Contr. Substance. (Public)

Sponsors: Senators Forrester; Allran and Hartsell.

Referred to: Judiciary I.

February 4, 2009

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE IREDELL COUNTY CRIME LABORATORY AS AN
ADDITIONAL CONTROLLED SUBSTANCE CHEMICAL ANALYSIS SITE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-95(g) reads as rewritten:

"§ 90-95. **Violations; penalties.**

(g) Whenever matter is submitted to the North Carolina State Bureau of Investigation Laboratory, the Charlotte, North Carolina, Police Department Laboratory, the Crime Laboratory of the Iredell County, North Carolina, Sheriff's Office, or to the Toxicology Laboratory, Reynolds Health Center, Winston-Salem for chemical analysis to determine if the matter is or contains a controlled substance, the report of that analysis certified to upon a form approved by the Attorney General by the person performing the analysis shall be admissible without further authentication in all proceedings in the district court and superior court divisions of the General Court of Justice as evidence of the identity, nature, and quantity of the matter analyzed. Provided, however, that a report is admissible in a criminal proceeding in the superior court division or in an adjudicatory hearing in juvenile court in the district court division only if:

- (1) The State notifies the defendant at least 15 days before trial of its intention to introduce the report into evidence under this subsection and provides a copy of the report to the defendant, and
- (2) The defendant fails to notify the State at least five days before trial that the defendant objects to the introduction of the report into evidence.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report."

SECTION 2. This act is effective when it becomes law.

