

1 *House* BILL NO. *556*
 2 INTRODUCED BY *By Request Sen. Duane Wilson*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING IN THE
 5 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES A FORENSIC
 6 LABORATORY; PROVIDING FOR ITS ADMINISTRATION, DUTIES, AND
 7 FUNCTION, AND APPROPRIATING FORTY-FIVE THOUSAND NINE HUNDRED
 8 FORTY-TWO DOLLARS FOR THIS PURPOSE."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. This act may be cited as the
 12 "Forensic Science Laboratory Act".

13 Section 2. Creation of laboratory. The director of
 14 the department of health and environmental sciences shall
 15 establish a state forensic laboratory bureau within the
 16 laboratory division of the department. The chief of the
 17 bureau shall receive compensation as determined by the
 18 director, and he shall be directly responsible to the
 19 administrator of the division for all activities of the
 20 laboratory.

21 Section 3. Purpose of laboratory. The laboratory's
 22 purpose shall be to perform analysis of specimens submitted
 23 by all Montana state, county, or city law enforcement
 24 officers, all state agencies, hospitals located in this
 25 state, specimens for civil cases, and referral specimens

1 from other states or agencies if accepted by the laboratory
 2 chief. A reasonable fee shall be charged for performance of
 3 these services.

4 Section 4. Functions. The laboratory's functions
 5 shall include analysis of toxicologic and criminalistic
 6 specimens determined by the bureau chief to be within its
 7 performance capability. Laboratories maintained by the
 8 federal government shall be used for referral of specimens
 9 outside of the capability of the laboratory.

10 Section 5. Authority. The forensic laboratory chief
 11 shall be responsible to the administrator of the laboratory
 12 division for supervision and direction of the laboratory,
 13 and shall assume the duties of appointing laboratory
 14 personnel, rendering decisions as to the disposition of
 15 specimens, and perform all other duties required by
 16 regulations of the department.

17 Section 6. Findings admissible as evidence. (1) Any
 18 report of the findings of the laboratory shall be received
 19 in evidence in any court, preliminary hearing, and grand
 20 jury proceeding in the same manner and with the same force
 21 and effect as if the employee or technician of the
 22 laboratory who accomplished the requested analysis,
 23 comparison, or identification had testified in person.
 24 However, an accused person or his attorney may require that
 25 the employee or technician testify in person at a criminal

1 proceeding on behalf of the state before a jury or to the
2 court, by notifying the proper county attorney at least ten
3 (10) days before the date of that criminal proceeding.

4 (2) If regulations are adopted governing the handling
5 of items to be processed by the laboratory from the time
6 they are forwarded to the laboratory by a law enforcement
7 agency of this state until their return to the forwarder,
8 and the regulations prescribe a method of identifying,
9 forwarding, handling, and returning items that will maintain
10 the identity and integrity of the item, then an item handled
11 in conformity with the adopted regulations is presumed
12 admissible in evidence as to the period in transit to and
13 from, and while in the custody of, the laboratory without
14 further foundation.

15 Section 7. Fees -- deposit. All fees collected under
16 the provisions of section 3 of this act shall be deposited
17 in the general fund.

18 Section 8. Removal of bureau chief. The forensic
19 laboratory bureau chief may be removed from office by the
20 director of the department only for neglect of duty,
21 incompetency or other good cause, and after full hearing on
22 verified charges filed at least twenty (20) days before said
23 hearing.

24 Section 9. Authority to accept federal funds. The
25 director of the department of health and environmental

1 sciences is authorized to accept federal and other moneys
2 which may be made available to the department by the federal
3 government or others to be used to accomplish the purposes
4 of this act.

5 Section 10. Appropriation. There is appropriated from
6 the general fund to the department of health and
7 environmental sciences for the establishment of a forensic
8 laboratory thirty-one thousand four hundred sixty-two
9 dollars (\$31,462) for fiscal year 1976 and fourteen thousand
10 four hundred eighty dollars (\$14,480) for fiscal year 1977
11 to match federal grant money in the amount of ten percent
12 (10%) of the total budget.

13 Section 11. Contingent implementation. Implementation
14 of this legislation is contingent on a guarantee of federal
15 grant funds from the law enforcement administration agency
16 in the amount of two hundred eighty-three thousand one
17 hundred fifty-eight dollars (\$283,158) for fiscal year 1976
18 and one hundred thirty thousand three hundred twenty-two
19 dollars (\$130,322) for fiscal year 1977. If these funds are
20 not made available, then the moneys appropriated in this act
21 revert to the general fund.

-End-

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 556

INTRODUCED BY SLOAN, DRISCOLL, JAMES MOORE (BY REQUEST)

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from other states or agencies if accepted by the laboratory chief. A reasonable fee shall be charged for performance of these services.

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