

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH40176-LH-44 (01/14)

Short Title: Toxicology Reports/District Court. (Public)

Sponsors: Representatives Stam, Faircloth, Glazier, and Hurley (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A WRITTEN TOXICOLOGY ANALYSIS MAY BE
3 INTRODUCED AS EVIDENCE IN A DISTRICT COURT CRIMINAL PROSECUTION
4 WITHOUT EXPERT TESTIMONY PROVIDED THERE IS A RIGHT TO TRIAL DE
5 NOVO.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 7C of Chapter 8 of the General Statutes is amended by adding
8 a new section to read:

9 **"§ 8-58.21. Toxicology analysis admissible as evidence in criminal prosecution in district**
10 **court.**

11 (a) Notwithstanding G.S. 8-58.20, in any criminal prosecution in district court a
12 laboratory report of a written toxicology analysis that states the results of the analysis and that
13 is signed and sworn to by the person performing the analysis may be admissible in evidence
14 without the testimony of the analyst who prepared the report provided all of the following
15 criteria are satisfied:

- 16 (1) The analysis complies with the provisions of G.S. 8-58.20(b).
17 (2) The analyst who conducts the toxicology analysis and signs the report
18 complies with the provisions of G.S. 8-58.20(c).
19 (3) The district attorney serves a copy of the laboratory report and affidavit and
20 indicates whether the report and affidavit will be offered as evidence at any
21 proceeding in district court against the defendant on the attorney of record
22 for the defendant, or on the defendant if that person has no attorney, no later
23 than 10 business days after receiving the report and affidavit and at least 10
24 business days before trial.
25 (4) The defendant in the criminal prosecution has a right to appeal from the
26 criminal prosecution for a trial de novo as provided in Article 90 of Chapter
27 15A of the General Statutes.

28 (b) A defendant who wants to contest the results of a toxicology analysis that may be
29 admitted into evidence pursuant to subsection (a) of this section retains the right to subpoena
30 the person performing the analysis to testify in the criminal prosecution in district court as
31 provided by G.S. 8-59. If the analyst fails to comply with the subpoena, and the case is not
32 continued for the analyst to do so, the results of the analysis are inadmissible at trial in the
33 district court.

34 (c) Nothing in this section shall be construed as an abrogation of any State or federal
35 constitutional or statutory right otherwise applicable in criminal cases with the exception of the
36 right to a jury trial in district court."



1 **SECTION 2.** This act becomes effective October 1, 2015, and applies to trials
2 commencing on or after that date.