

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

716M0296

SENATE BILL NO. 59

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to provide for the use of chemist's affidavits in certain
2 parole, probation, and contested case proceedings.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23-3-19.3 be amended to read as follows:

5 23-3-19.3. A copy of a statement of the methods and findings of any examination or analysis
6 conducted by employees of the State Forensic Laboratory or by a certified chemist employed
7 by a law enforcement agency within the state, authenticated under oath by the employee, is
8 prima facie evidence in all grand jury ~~and~~ court, parole, probation, and contested case
9 proceedings in the State of South Dakota of the facts contained therein reciting the methods and
10 findings.

11 The statement has the same force and effect as if the person who performed the analysis or
12 examination had testified in person. An accused person or the accused's attorney may request
13 that the person in the State Forensic Laboratory or the certified chemist employed by a law
14 enforcement agency within the state, who conducted the examination testify in person at a
15 criminal trial concerning the examination or analysis.

