

FILED MAR 2 1988

SENATE FILE 2256  
BY COMMITTEE ON JUDICIARY

*Approved (p. 586)*  
(formerly SSB 2227)

Passed Senate, Date 3/9/88 (p. 710) Passed House, Date 3/24/88 (p. 1041)  
Vote: Ayes 43 Nays 0 Vote: Ayes 96 Nays 0  
Approved April 4, 1988 (p. 1246)

**A BILL FOR**

- 1 An Act relating to the admission of a report or findings of the
- 2 criminalistics laboratory as evidence in a civil proceeding.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2256

S-5235

- 1 Amend Senate File 2256 as follows:
- 2 1. Page 1, by striking line 11 and inserting the
- 3 following: "criminalistics laboratory ~~shall~~ may be
- 4 received in evidence by the court in its discretion in
- 5 any".

S-5235

Filed March 7, 1988  
*w/b 3/9 (p. 709)*

BY TOM MANN, Jr.

SENATE FILE 2256

S-5270

- 1 Amend Senate File 2256 as follows:
- 2 1. Page 1, line 25, by inserting after the word
- 3 "proceeding." the following: "A party or the party's
- 4 attorney in any other civil proceeding may require an
- 5 employee or technician to testify in person pursuant
- 6 to a subpoena."

S-5270

Filed March 8, 1988  
*Adopted 3/9 (p. 709)*

BY RICHARD VARN

SENATE FILE 2256

S-5289

- 1 Amend Senate File 2256 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "evidence" the following: ", if determined to be
- 4 relevant,".

S-5289

Filed March 9, 1988  
*Adopted 3/9 (p. 709)*

ADOPTED

BY TOM MANN, Jr.

1 Section 1. Section 691.2, Code 1987, is amended to read as  
2 follows:

3 691.2 PRESUMPTION OF QUALIFICATION --ACCEPTANCE IN  
4 EVIDENCE.

5 It shall be presumed that any employee or technician of the  
6 criminalistics laboratory is qualified or possesses the  
7 required expertise to accomplish any analysis, comparison, or  
8 identification done by the employee in the course of the  
9 employee's employment in the criminalistics laboratory. Any  
10 report, or copy thereof of a report, or the findings of the  
11 criminalistics laboratory shall be received in evidence in any  
12 court, preliminary hearing, grand jury proceeding, civil  
13 proceeding, administrative hearing, and forfeiture proceeding  
14 in the same manner and with the same force and effect as if  
15 the employee or technician of the criminalistics laboratory  
16 who accomplished the requested analysis, comparison, or  
17 identification had testified in person.

18 PARAGRAPH DIVIDED. A party or the party's attorney may  
19 request that an employee or technician testify in person at a  
20 criminal trial, administrative hearing, or forfeiture  
21 proceeding on behalf of the state or the adverse agency of the  
22 state, by notifying the proper county attorney, or in the case  
23 of an administrative proceeding the adverse agency, at least  
24 ten days before the date of the criminal trial, administrative  
5270 25 hearing, or forfeiture proceeding.

26 EXPLANATION

27 This bill provides that a report or the findings of the  
28 state criminalistics laboratory shall be admissible as  
29 evidence in a civil proceeding in the same manner as if the  
30 person accomplishing the test or analysis had testified in  
31 person. The bill would allow this evidence in a civil  
32 proceeding in the same manner as is now allowed in a criminal  
33 proceeding, preliminary hearing, grand jury proceeding,  
34 administrative hearing, and forfeiture proceeding without  
35 establishing a foundation for the evidence as currently

1 required.

SUCCESSOR TO SSB 2227 (LSB 8303SC)

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LSB 8303SV 72

mj/rln/8

L.S.B

SSB 2227

JUDICIARY: Varn, Chair; Doyle and Fuhrman

Varn, Ch.  
Doyle  
Fuhrman

SSB 2227  
Judiciary  
new

SENATE FILE ~~2256~~ 2256  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the admission of a report or findings of the  
2 criminalistics laboratory as evidence in a civil proceeding.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 691.2, Code 1987, is amended to read as  
2 follows:

3 691.2 PRESUMPTION OF QUALIFICATION --ACCEPTANCE IN  
4 EVIDENCE.

5 It shall be presumed that any employee or technician of the  
6 criminalistics laboratory is qualified or possesses the  
7 required expertise to accomplish any analysis, comparison, or  
8 identification done by the employee in the course of the  
9 employee's employment in the criminalistics laboratory. Any  
10 report, or copy thereof of a report, or the findings of the  
11 criminalistics laboratory shall be received in evidence in any  
12 court, preliminary hearing, grand jury proceeding, civil  
13 proceeding, administrative hearing, and forfeiture proceeding  
14 in the same manner and with the same force and effect as if  
15 the employee or technician of the criminalistics laboratory  
16 who accomplished the requested analysis, comparison, or  
17 identification had testified in person.

18 PARAGRAPH DIVIDED. A party or the party's attorney may  
19 request that an employee or technician testify in person at a  
20 criminal trial, administrative hearing, or forfeiture  
21 proceeding on behalf of the state or the adverse agency of the  
22 state, by notifying the proper county attorney, or in the case  
23 of an administrative proceeding the adverse agency, at least  
24 ten days before the date of the criminal trial, administrative  
25 hearing, or forfeiture proceeding.

26 EXPLANATION

27 This bill provides that a report or the findings of the  
28 state criminalistics laboratory shall be admissible as  
29 evidence in a civil proceeding in the same manner as if the  
30 person accomplishing the test or analysis had testified in  
31 person. The bill would allow this evidence in a civil  
32 proceeding in the same manner as is now allowed in a criminal  
33 proceeding, preliminary hearing, grand jury proceeding,  
34 administrative hearing, and forfeiture proceeding without  
35 establishing a foundation for the evidence as currently

1 required.

COMPANION TO LSB 8304HC

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LSB 8303SC 72

mj/rln/8

SENATE FILE 2256

AN ACT

RELATING TO THE ADMISSION OF A REPORT OR FINDINGS  
OF THE CRIMINALISTICS LABORATORY AS EVIDENCE IN A CIVIL  
PROCEEDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 691.2, Code 1987, is amended to read as follows:

691.2 PRESUMPTION OF QUALIFICATION -- ACCEPTANCE IN EVIDENCE.

It shall be presumed that any employee or technician of the criminalistics laboratory is qualified or possesses the required expertise to accomplish any analysis, comparison, or identification done by the employee in the course of the employee's employment in the criminalistics laboratory. Any report, or copy thereof of a report, or the findings of the criminalistics laboratory shall be received in evidence, if determined to be relevant, in any court, preliminary hearing, grand jury proceeding, civil proceeding, administrative hearing, and forfeiture proceeding in the same manner and with the same force and effect as if the employee or technician of the criminalistics laboratory who accomplished the requested analysis, comparison, or identification had testified in person.

PARAGRAPH DIVIDED. A party or the party's attorney may request that an employee or technician testify in person at a criminal trial, administrative hearing, or forfeiture proceeding on behalf of the state or the adverse agency of the state, by notifying the proper county attorney, or in the case of an administrative proceeding the adverse agency, at least ten days before the date of the criminal trial, administrative hearing, or forfeiture proceeding. A party or the party's

attorney in any other civil proceeding may require an employee or technician to testify in person pursuant to a subpoena.

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2256, Seventy-second General Assembly.

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JOHN P. DWYER  
Secretary of the Senate  
Approved April 4, 1988

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TERRY E. BRANSTAD  
Governor