

CHAPTER 253
SB 60 - FINAL VERSION

20Apr2017... 0938h
06/22/2017 2304CofC

2017 SESSION

17-0771
01/09

SENATE BILL **60**

AN ACT relative to chemical analyses of controlled drugs.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Lasky, Dist 13; Rep. Welch, Rock. 13

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

 This bill establishes a criminal penalty for knowingly making a false entry in a certificate of the results of chemical analyses of controlled drugs.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to chemical analyses of controlled drugs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 253:1 Controlled Drug Act; Chemical Analysis. Amend RSA 318-B:26-a, I to read as follows:

2 I. Upon the request of the attorney general, a county attorney or any law enforcement
3 agency, the laboratory employee performing the chemical analysis shall prepare a certificate. The
4 employee shall sign the certificate ~~[under oath]~~ **subject to the penalties under this paragraph**
5 and shall include in the certificate an attestation as to the result of the analysis. The presentation
6 of this certificate to a court by any party to a proceeding shall be evidence that all of the
7 requirements and provisions of this section have been complied with. This certificate shall ~~be~~
8 ~~sworn to before a notary public or other person empowered by law to take oaths and shall~~ contain a
9 statement establishing the following: the type of analysis performed; the result achieved; any
10 conclusions reached based upon that result; that the subscriber is the person who performed the
11 analysis and made the conclusions; the subscriber's training or experience to perform the analysis;
12 and the nature and condition of the equipment used. When properly executed, the certificate shall,
13 subject to paragraph II of this section and notwithstanding any other provision of law, be admissible
14 evidence of the composition, quality, and quantity of the substance submitted to the laboratory for
15 analysis, and the court shall take judicial notice of the signature of the person performing the
16 analysis and of the fact that he **or she** is that person. **A person shall be guilty of a class B**
17 **felony if he or she knowingly makes any false entry in any certificate required under this**
18 **paragraph.**

253:2 Effective Date. This act shall take effect July 1, 2017.

Approved: July 18, 2017
Effective Date: July 01, 2017