

Amendment to SB 60

1 Amend RSA 318-B:26-a, I as inserted by section 1 of the bill by replacing it with the following:

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

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AMENDED ANALYSIS

This bill declares that the requirement for notarization of the results of chemical analyses of controlled drugs be signed under penalty of perjury.