

Committee of Conference Report on SB 60, relative to chemical analyses of controlled drugs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

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

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

**Committee of Conference Report on SB 60**  
**- Page 2 -**

The signatures below attest to the authenticity of this Report on SB 60, relative to chemical analyses of controlled drugs.

Conferees on the Part of the Senate

Conferees on the Part of the House

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Sen. Gray, Dist. 6

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Rep. Hagan, Rock. 4

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Sen. Avard, Dist. 12

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Rep. Berch, Ches. 1

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Sen. D'Allesandro, Dist. 20

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Rep. Hopper, Hills. 2

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Rep. R. Graham, Straf. 1

**Committee of Conference Report on SB 60**  
**- Page 3 -**

2017-2304-CofC

**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.