

HOUSE BILL 2965

By Coley

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 10, Part 4, relative to testing for alcoholic  
or drug content of blood.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-410(b), is amended by replacing it with the following subsection (b):

(b) Upon receipt of a specimen forwarded to the director's office for analysis, and the "toxicology request for examination" form, which shall indicate whether or not a breath alcohol test has been administered and the results of that test, the director of the Tennessee bureau of investigation shall have the specimen examined for alcohol concentration, the presence of narcotics or other drugs, or for both alcohol and drugs, if requested by the arresting officer, county-medical examiner, or any district attorney general. The director or the director's duly appointed representative shall execute a certificate that indicates the name of the accused, the date, time and by whom the specimen was received and examined, a statement of the alcohol concentration or presence of drugs in the specimen, and other information to identify the case or sample tested. If the report required by § 55-10-409 is prepared by the bureau, it shall be attached to the certificate, and the certificate shall certify whether the report is the record it purports to be.

SECTION 2. Tennessee Code Annotated, Section 55-10-410(c), is amended by replacing it with the following subsection (c):

(c) When a specimen taken in accordance with this section is forwarded to the office of the director of the Tennessee bureau of investigation, a report of the results of this test shall be prepared in accordance with this section and § 55-10-409 and filed in

that office, and a copy provided to the district attorney general for the district where the case arose.

SECTION 3. Tennessee Code Annotated, Section 55-10-410(d), is amended by replacing it with the following subsection (d):

(d) The certificate and report provided for in this section shall, when duly attested by the director of the Tennessee bureau of investigation or the director's duly appointed representative, be admissible in any court in any criminal proceeding, as evidence of the facts therein stated, and of the results of the test, provided the district attorney or other party seeking to introduce the certification and report shall have served the defendant's attorney of record, or the defendant if pro se, with notice of intent to introduce the certificate and report into evidence without calling as a witness the director, director's representative, or a person responsible for performing or observing the analysis and results contained in the report. A copy of this certification and report shall be attached to the notice provided for in this subsection (d), and the notice shall contain a plain statement that the defendant's failure to object to the notice in writing within ten (10) days of receipt of the notice shall result in forfeiture of the right to confront and cross examine the persons responsible for preparing the report. If the notice is filed and accompanied by a certificate of service that complies with the Tennessee Rules of Criminal Procedure, the defendant shall be rebuttably presumed to have received the notice not later than three (3) days after the date of filing.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.