

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/23/01 S3/13/01

A Bill

HOUSE BILL 1843

5 By: Representative Adams
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For An Act To Be Entitled

9 AN ACT TO ALLOW FOR VIDEOTAPED DEPOSITIONS OF
10 STATE CRIME LABORATORY ANALYSTS FOR TRIALS OF
11 DEFENDANTS CHARGED UNDER THE UNIFORM CONTROLLED
12 SUBSTANCES ACT; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO ALLOW FOR VIDEOTAPED
15 DEPOSITIONS OF STATE CRIME LABORATORY
16 ANALYSTS FOR TRIALS OF DEFENDANTS
17 CHARGED UNDER THE UNIFORM CONTROLLED
18 SUBSTANCES ACT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. (a) As used in this section, the term "videotaped
25 deposition" means the visual recording on a magnetic tape, together with the
26 associated sound, of a witness testifying under oath in the course of a
27 judicial proceeding, upon oral examination and where an opportunity is given
28 for cross-examination in the presence of the defendant and intended to be
29 played back upon the trial of the action in court.

30 (b) In all criminal trials in which the defendant is charged under the
31 Uniform Controlled Substances Act, upon motion of the prosecuting attorney and
32 after notice to the opposing counsel, the court may, for good cause shown, and
33 sufficient safeguards to satisfy all state and federal constitutional
34 requirements of oath, confrontation, cross-examination, and observation of the
35 witness' demeanor and testimony by the defendant, the court and the jury, and
36 absent a showing of prejudice by the defendant, order the taking of a

1 videotaped deposition of any State Crime Laboratory analyst. The videotaped
2 deposition shall be taken at the State Crime Laboratory or at a location
3 ordered by the court in the presence of the prosecuting attorney, the
4 defendant, and the defendant's attorney. Examination and cross-examination of
5 the analyst shall proceed at the taking of the videotaped deposition in the
6 same manner as permitted at trial under the provisions of the Arkansas Uniform
7 Rules of Evidence.

8 (c) Any videotaped deposition taken under the provisions of this
9 section shall be admissible at trial and received into evidence in lieu of the
10 direct testimony of the analyst. However, neither the presentation nor the
11 preparation of such videotaped deposition shall preclude the prosecutor or the
12 defendant's attorney from calling the analyst to testify at trial if that is
13 necessary to serve the interests of justice.

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15 /s/ Adams
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