

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 389

BY: WILKERSON and FAIR of
the SENATE

and

DUNEGAN of the HOUSE

AN ACT RELATING TO CRIMINAL PROCEDURE; AMENDING 22

O.S. 1981, SECTION 751, AS AMENDED BY SECTION 26,

CHAPTER 109, O.S.L. 1988 (22 O.S. SUPP. 1990,

SECTION 751), WHICH RELATES TO ADMISSION OF

FINDINGS; * * * AND DECLARING AN EMERGENCY.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

"AN ACT RELATING TO CRIMINAL PROCEDURE; AMENDING 22 O.S.
1981, SECTION 751, AS AMENDED BY SECTION 26, CHAPTER 109,
O.S.L. 1988 (22 O.S. SUPP. 1990, SECTION 751), WHICH
RELATES TO ADMISSION OF FINDINGS AT PRELIMINARY HEARINGS;
REQUIRING CERTAIN CERTIFIED REPORTS AND SUPPLEMENTAL
REPORTS TO BE ADMITTED AS EVIDENCE; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 1981, Section 751, as
amended by Section 26, Chapter 109, O.S.L. 1988 (22 O.S. Supp. 1990,
Section 751), is amended to read as follows:

Section 751. A. At any preliminary hearing, a report of the
findings of the laboratory of the ~~Bureau~~ Oklahoma State Bureau of

Investigation, the medical examiners report of investigation or autopsy report, or a laboratory report from a forensic laboratory operated by the State of Oklahoma or any political subdivision thereof, which has been made available to the accused by the office of the district attorney at least five (5) days prior to the preliminary hearing, with reference to all or any part of the evidence submitted, when certified as correct by the ~~Bureau employee~~ persons making the report shall, when offered by the state or the accused, be received as evidence of the facts and findings stated, if relevant and otherwise admissible in evidence.

B. When any alleged controlled dangerous substance has been submitted to the laboratory of the Bureau for analysis, and such analysis shows that the submitted material is a controlled dangerous substance, the distribution of which constitutes a felony under the laws of this state, no portion of such substance shall be released to any other person or laboratory absent an order of a district court. The defendant shall additionally be required to submit to the court a procedure for transfer and analysis of the subject material to ensure the integrity of the sample and to prevent the material from being used in any illegal manner.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 11th day of April, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate