

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2340 **STATUS:** A Engrossed
SUBJECT: Establishes procedures for defendant to request forensic scientist to appear at trial.
GOVERNMENT UNIT AFFECTED: Oregon Judicial Department, Public Defense Services
Commission, Oregon State Police
PREPARED BY: Tim Walker
REVIEWED BY: Robin LaMonte, Doug Wilson
DATE: June 6, 2007

| | <u>2007-2009</u> | <u>2009-2011</u> |
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| EXPENDITURES: See Comments | | |

EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill establishes procedures for a defendant to request the appearance of a forensic scientist at trial and to object to the admittance of a certified copy of a laboratory report by submitting a written request at least 15 days in advance of trial. The bill also establishes a sunset date of January 2, 2010.

The fiscal impact of this bill is indeterminate. Under current practice, district attorneys submit certified copies of analytical reports to the court instead of having the forensic scientist personally appear in court. The Oregon Supreme Court ruled that this violated the constitutional right of the defendant right to confront the witness against him. The Oregon Judicial Department (OJD) is unable to estimate the fiscal impact on the court system because it is not clear how often forensic scientists will be required to appear in court and the ability of the defendant to subpoena the forensic scientist at any point in the proceedings and how this will lengthen the proceedings. If this results in fewer appearances by forensic scientist in court, then savings may occur in both OJD and the Oregon State Police (OSP). Conversely, if there is an increase in appearances by forensic scientists, cost could increase to both OJD and OSP. It should be noted that the increase in costs to OSP would be lost opportunity costs from having the forensic scientist in court and not performing analytical work on other cases. Actual expenditures may not increase, but case backlogs may increase and if the frequency of court appearances is high enough, additional positions may be needed. It is not clear if more appearances or fewer appearances are more likely and therefore the fiscal impact is not clear.