

CHAPTER 18.
DIRECTOR OF FORENSIC SCIENCES.

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§ 36-18-1. Appointment; removal.

There shall be a director of the department of forensic sciences who shall be appointed by the attorney general upon certification by the director of state personnel as meeting job qualifications specified for this position in the state service. The director may be removed by the governor only upon such proof as would authorize the impeachment of a district attorney under the laws of this state. (Acts 1935, No. 225, p. 616; Code 1940, T. 14, § 387; Acts 1980, No. 80-591, p. 945, § 1.)

Cross references. — As to impeachment of district attorneys, see § 36-11-1 et seq.

Cited in *Baker v. State*, 473 So. 2d 1130 (Ala. 1985).

§ 36-18-2. Duties generally; maintenance, inspection and copying of reports of investigations of director of forensic sciences; police authority of director of forensic sciences and assistants.

The duties of the director shall be to make such investigations, including any necessary autopsy, to be performed by physicians licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; provided, however, that the director may waive this requirement temporarily whenever a medical examiner vacancy exists which he is seeking to fill. Said investigations of unlawful, suspicious or unnatural deaths and crimes as are ordered by the governor, the attorney general, any circuit judge, or any district attorney in the state of Alabama, and the director and his staff shall cooperate with the coroners, sheriffs and other police officers in Alabama in their investigations of crimes and deaths from unlawful, suspicious or unnatural causes. The director shall within his discretion visit the scene of any crime in the state for the purpose of securing evidence for the state. The director shall furnish a certified copy of his report of any investigation that the department conducts to the person or persons who ordered the investigation conducted. The director shall keep the original reports of all investigations that he conducts in his office; provided, that the director shall be authorized to photograph or microphotograph any record, document or photograph two years old or older currently maintained or acquired, received or produced in the future as a result of his duties as prescribed by law. Such

photographs, microfilms or prints made therefrom, when duly authenticated, shall have the same force and effect at law as the original record or of a record made by any other legally authorized means and may be offered in like manner and shall be received in evidence in any court where such original record or record made by other legally authorized means could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process, when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this state as fully as would a transcription or reproduction of such records made by any other means or process. All original records, documents, and photographs two years old or older currently maintained and acquired in the future may be destroyed at the discretion of the director, provided photographed or microphotographed reproductions of the destroyed material are maintained. The director shall furnish a certified copy in the form of reproductions from the photographed or microphotographed reports of any investigation that he conducts to the person or persons who ordered the investigation conducted. The director shall keep photographed or microphotographed reproductions of original reports of all investigations that he conducts in his office. Reproductions of such materials shall be public records and shall be open to public inspection at all reasonable times. Any person desiring reproductions of original reports shall be furnished same upon payment of the fee now prescribed by law.

It shall be the further duty of the director to cooperate with the commissioner of agriculture and industries and the state veterinarian in their investigations of deaths of domestic animals in cases of suspected criminal poisoning of such animals. The director shall perform such other duties as are prescribed by the governor or the attorney general of Alabama.

The director and his designated assistants shall exercise the same police authority as any deputy sheriff or state trooper in the state of Alabama. (Acts 1935, No. 225, p. 616; Acts 1939, No. 440, p. 584; Code 1940, T. 14, § 388; Acts 1951, No. 124, p. 353; Acts 1976, No. 498, p. 623; Acts 1980, No. 80-591, p. 945, § 1.)

Reports admissible when offered into evidence. — Reports of a state toxicologist and copies thereof are public records which are admissible when offered into evidence. *Bickerstaff v. State*, 369 So. 2d 315 (Ala. Crim. App. 1979); *Wiley v. State*, 389 So. 2d 604 (Ala. Crim. App. 1980).

Defendant denied right to confront witnesses. — Admission of a certified copy of a

toxicologist's report, which stated that green plant material seized from defendant had been identified as marijuana, denied defendant her constitutional right to confront the witnesses against her, where the prosecution did not establish the unavailability of the toxicologist who prepared the report. *Grantham v. State*, 580 So. 2d 53 (Ala. Crim. App. 1991).

§ 36-18-3. Offices and laboratories.

The director shall maintain an office and a laboratory for the scientific investigation of deaths and crime at Auburn, Alabama, and shall be furnished adequate quarters by the state for the conduct of his office and laboratories. The director, with the approval of the attorney general and the governor, shall maintain such other offices and laboratories in this state as are necessary to carry out the provisions of this chapter. (Acts 1939, No. 440, p. 584; Code 1940, T. 14, § 389; Acts 1980, No. 80-591, p. 945, § 1.)

§ 36-18-4. Salary and expenses.

The salary of the director shall be established as provided in section 36-6-6 and shall be payable out of the funds provided therefor in the general appropriation bill or out of any funds in the state treasury not otherwise appropriated and as the salaries of other state officers are paid. The director and his staff shall be furnished with offices and laboratories at the expense of the state and shall also be allowed all necessary expenses for the equipment and conduct of his offices and laboratories, including stenographic and laboratory assistance, for the purpose of carrying out the provisions of this chapter. Such expenses are to be paid by warrants approved by the governor and shall be limited in amount to the sum provided therefor in the general appropriation bill. All funds expended under the provisions of this chapter shall be budgeted and allotted in accordance with the provisions of article 4, chapter 4, Title 41. (Acts 1939, No. 440, p. 584; Code 1940, T. 14, § 390; Acts 1951, No. 430, p. 778; Acts 1955, No. 372, p. 897; Acts 1980, No. 80-591, p. 945, § 1.)

§ 36-18-5. Continued employment of certain employees.

All present employees of the office of state toxicologist (state department of toxicology and criminal investigation) shall remain in their respective positions and continue to enjoy employment conditions, including, but not limited to, salary range and advancement at a level no less than those enjoyed prior to May 28, 1980. However, nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law. (Acts 1980, No. 80-591, p. 945, § 2.)

