Policy Detail*

Policy Number: DIV.SLD.13.03 (formerly ADM 02:134)
Policy Title: SLD Expert Testimony
Category: 13.Division
Effective Date: 10/1/2007
Date of Most Recent Review: 10/1/2012
Due Date for Next Review: 10/1/2017
DOH Unit of Origin: Scientific Laboratory Division
Policy Contact Title: Division Director
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Distribution: DOH-wide □ (double click on box and check if applicable)
If not DOH-wide, other distribution: Scientific Laboratory Division

*All sections in table are required.
**Due date for next review is five years or sooner, if warranted by significant administrative changes affecting the policy, such as legislative or regulatory action, from the date of the most recent review.

New Mexico Department of Health Mission: “Promote health and wellness, improve health outcomes, and assure safety net services for all people in New Mexico.”
I. Policy

The Department of Health's Scientific Laboratory Division (SLD) shall not be responsible for providing expert witness testimony in court in cases in which the SLD has not conducted the test or provided the test result involved in the court case.

II. Applicability

This policy applies to all employees of the Department of Health's Scientific Laboratory Division.

III. Definitions

*Expert Testimony means the sworn testimony, in a court of law, delivered by a technician who is an employee of the SLD who has performed the test to which he is testifying to.*

*SLD means the Department of Health's Scientific Laboratory Division*

*Test Result means the outcome of a scientific procedure carried out by an SLD employee that indicates the blood alcohol concentration or other toxicological reading.*

IV. Procedure

SLD shall only be responsible for providing expert witness testimony in court in cases in which the SLD has conducted the test or provided the test result...
involved in the court case.

1. SLD generally shall not provide expert witness testimony in court, unless the request comes from another State of New Mexico agency.

2. SLD will provide expert witness testimony, when subpoenaed, in criminal cases.

3. SLD will provide expert witness testimony, upon request, in civil cases. If the court case is a civil case, the requestor shall be billed a fee for services by the SLD.

SLD is only able to serve as an expert if there is no conflict of interest, it is approved by the SLD Director and the service would not impede SLD’s statutorily mandated work.

V. References

1. 7.33.2 NMAC – Blood and Breath Testing under the New Mexico Implied Consent Act

2. 66-8-107 NMSA 1978 – Chemical testing of blood and breath under the Implied Consent Act

3. 24-1-22 NMSA 1978 – Scientific Laboratory Division Testing Methods and Certification.

4. SLD Toxicology Fee Schedule

VI. Links

1. 7.33.2 NMAC – Blood and Breath Testing under the New Mexico Implied Consent Act

2. 66-8-107 NMSA 1978 – Chemical testing of blood and breath under the Implied Consent Act

3. 24-1-22 NMSA 1978 – Scientific Laboratory Division Testing Methods and Certification

4. SLD Toxicology Fee Schedule

Brad McGrath
Interim Cabinet Secretary
New Mexico Department of Health

Date 10/4/12