

(d) A copy of the results of each blood test shall be provided to the parties or their counsel in the manner that the court directs.

(e) (1) The results of each blood test [may] SHALL be received in evidence if:

(i) definite exclusion is established; or

(ii) the testing is sufficiently extensive to exclude 97.3% of alleged fathers who are not biological fathers, and the statistical probability of the alleged father's paternity is at least 97.3%.

(2) A laboratory report is prima facie evidence of the results of a blood test.

(3) If a laboratory report is admitted in evidence, the laboratory technician who made the test is subject to cross-examination by any party to the proceeding.

~~(4) -- IF A PARTY WISHES TO CROSS-EXAMINE THE LABORATORY TECHNICIAN WHO MADE THE TEST, THE PARTY IS RESPONSIBLE FOR SECURING THE APPEARANCE IN COURT OF THE LABORATORY TECHNICIAN.~~

(f) If any individual fails to submit to a blood test ordered by the court, that refusal, properly introduced in evidence:

(1) shall be disclosed to the court and jury; and

(2) may be commented on by the court or by counsel.

(g) (1) Unless indigent, the party who requests a blood test OR WHO SECURES THE APPEARANCE IN COURT OF THE LABORATORY TECHNICIAN WHO MADE THE TEST is responsible for the cost of the test AND THE COSTS ASSOCIATED WITH THE COURT APPEARANCE. However, if the requesting party prevails in the proceeding, the court shall assess the cost of the blood test AND OR THE COSTS ASSOCIATED WITH THE COURT APPEARANCE against the other parties to the proceeding.

(2) If any party chargeable with the cost of the blood test OR THE COSTS ASSOCIATED WITH COURT APPEARANCE is indigent, the cost of the blood test OR THE COSTS ASSOCIATED WITH THE COURT APPEARANCE shall be borne by the county where the proceeding is pending, except to the extent that the court orders any other party to the proceeding to pay all or part of the cost.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1984.

Approved May 29, 1984.

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