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**CSHB 69(FIN)**

Amendment No. 4 was offered by Representative Berkowitz:

Page 1, line 9, following "2003;":

Insert "relating to the offense of operating a motor vehicle, aircraft, or watercraft while intoxicated; relating to presumptions arising from the amount of alcohol in a person's breath or blood;"

Page 9, following line 11:

Insert new bill sections to read:

**\* Sec. 17.** AS 28.35.030(a) is amended to read:

(a) A person commits the crime of driving while intoxicated if the person operates or drives a motor vehicle or operates an aircraft or a watercraft

(1) while under the influence of intoxicating liquor, or any controlled substance;

(2) when, as determined by a chemical test taken within four hours after the alleged offense was committed, there is **0.08** [0.10] percent or more by weight of alcohol in the person's blood or **80** [100] milligrams or more of alcohol per 100 milliliters of blood, or when there is **0.08** [0.10] grams or more of alcohol per 210 liters of the person's breath; or

(3) while the person is under the combined influence of intoxicating liquor and a controlled substance.

**\* Sec. 18.** AS 28.35.033(a) is amended to read:

(a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating or driving a motor vehicle or operating an aircraft or a watercraft while intoxicated, the amount of alcohol in the person's blood or breath at the time alleged shall give rise to the following presumptions:

(1) If there was **0.04** [0.05] percent or less by weight of alcohol in the person's blood, or **40** [50] milligrams or less of alcohol per 100 milliliters of the person's blood, or **0.04** [0.05] grams or less of alcohol per 210 liters of the person's breath, it shall be presumed that the person was not under the influence of intoxicating liquor.

(2) If there was in excess of **0.04** [0.05] percent but less than **0.08** [0.10] percent by weight of alcohol in the person's blood, or in excess of **40** [50] but less than **80** [100] milligrams of alcohol per 100 milliliters of the person's blood, or in excess of **0.04** [0.05] grams but less than **0.08** [0.10] grams of alcohol per 210 liters of the person's breath, that fact does not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

(3) [REPEALED]

(4) If there was **0.08** [0.10] percent or more by weight of alcohol in the person's blood, or **80** [100] milligrams or more of alcohol per 100 milliliters of the person's blood, or **0.08** [0.10] grams or more of alcohol per 210 liters of the

person's breath, it shall be presumed that the person was under the influence of intoxicating liquor."

Renumber the following bill sections accordingly.

Page 9, line 16:

Delete "17"

Insert "19"

Page 9, line 17:

Delete "19"

Insert "21"