IN THE HOUSE BY REPRESENTATIVE BAILEY

HOUSE BILL NO. 167

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act making it unlawful to drive while under the influence of intoxicating liquors or drugs; providing for a chemical analysis of blood; repealing and reenacting Section 50-5-3 ACLA 1949."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Section 50-5-3 ACLA 1949, is repealed, and a new Section 50-5-3, in lieu thereof, is enacted to read as follows:

Section 50-5-3. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PROVIDING FOR CHEMICAL ANALYSIS OF DEFENDANT'S BLOOD. It is unlawful for any person who is under the influence of, or affected by, the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the Territorial or public highways.

In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions.

If there was at that time 0.05 per cent or less by

weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

If there was at that time 0.15 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

The foregoing provisions of this Section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be admissible in evidence in any criminal prosecution for the violation of the provisions of this Section or in any civil action.

It is unlawful for any person who is an habitual user of, or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle, to drive a vehicle upon the public highways. The fact that any

person charged with a violation of this section is or has been entitled to use such drug under the laws of this Territory shall not constitute a defense against any charge of violating this Section.

Upon the first conviction for a violation of the provisions of this Section the Court shall impose a fine of not less than One Hundred ($100.00) Dollars or more than Five Hundred ($500.00) Dollars, and shall in addition thereto, revoke the operator's license of such person, for a period of not less than thirty (30) days, nor for more than one (1) year. Upon second or subsequent conviction for a violation of the provisions of this Section the Court shall impose a fine of not less than Two Hundred ($200.00) Dollars or more than One Thousand ($1,000.00) Dollars, and not less than ten (10) days or more than One (1) year imprisonment, or both such fine and imprisonment, and shall, in addition thereto, revoke the operator's license of such person for a period of not less than One Hundred Eighty (180) days.