

1 IN THE SENATE

BY SENATORS BULLOCK, NOLAN &  
COOPER BY REQUEST

2

SENATE BILL NO. 15

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act relating to driving while under the  
7 influence of intoxicating liquor; providing

8 for a chemical analysis of defendant's

9 blood; and declaring an effective date."

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

11 Section 1. CHEMICAL TESTS. In any criminal prosecution for  
12 a violation of the provisions of law relating to driving a vehicle  
13 while under the influence of intoxicating liquor, the amount of  
14 alcohol in the defendant's blood at the time alleged, as shown by  
15 chemical analysis of the defendant's blood, urine, breath, or  
16 other bodily substance shall give rise to the following presump-  
17 tions:

18 (a) If there was at that time 0.05 per cent or less by  
19 weight of alcohol in the defendant's blood, it shall be pre-  
20 sumed that the defendant was not under the influence of in-  
21 toxicating liquor.

22 (b) If there was at that time in excess of 0.05 per  
23 cent but less than 0.15 per cent by weight of alcohol in the  
24 defendant's blood, such fact shall not give rise to any pre-  
25 sumption that the defendant was or was not under the influenc  
26 of intoxicating liquor, but such fact may be considered with  
27 other competent evidence in determining the guilt or inno-  
28 cence of the defendant.

29 (c) If there was at that time 0.15 per cent or more by

1 weight of alcohol in the defendant's blood, it shall be pre-  
2 sumed that the defendant was under the influence of intoxi-  
3 cating liquor.

4 Sec. 2. OTHER EVIDENCE. The provisions of this Act shall  
5 not be construed as limiting the introduction of any other com-  
6 petent evidence bearing upon the question whether or not the  
7 defendant was under the influence of intoxicating liquor.

8 Sec. 3. REFUSAL. Nothing in this Act shall be construed as  
9 requiring any person to submit to a chemical analysis of his  
10 blood, and the refusal to submit to such analysis shall not be  
11 admissible in any criminal prosecution for the violation of the  
12 provisions of applicable laws or in any civil action.

13 Sec. 4. EFFECTIVE DATE. This Act shall take immediate  
14 effect and be in force from and after its passage and approval or  
15 upon its becoming law without such approval, and it is so enacted

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