

1 IN THE SENATE

BY SENATORS BULLOCK, NOLAN,  
AND 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."

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

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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:

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(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 presumed  
20 that the defendant was not under the influence of intoxicating  
21 liquor.

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

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(c) If there was at that time 0.15 per cent or more by  
29 weight of alcohol in the defendant's blood, it shall be presumed

SB #15, Engrossed as amended

1 that the defendant was under the influence of intoxicating liquor,

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

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

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