

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

IN THE HOUSE

BY MR. ERWIN

HOUSE BILL NO. 107

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to chemical tests for intoxication; and providing for an effective date."

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

Section 1. In any criminal prosecution for a violation of Sec. 50-5-3, ACLA 1949 as amended, relating to the driving of 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 gives rise to the following presumptions:

a. If there was at that time 0.05 percent 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;

b. If there was at that time in excess of 0.05 percent but less than 0.15 percent 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;

c. If there was at that time 0.15 percent 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;

d. The foregoing provisions of this section shall not be

1 construed as limiting the introduction of any other competent evi-  
2 dence bearing upon the question whether or not the defendant was  
3 under the influence of intoxicating liquor.

4 Sec. 2. No person shall be compelled to give a blood sample  
5 under this Act against his will. The defendant and the prosecu-  
6 tion may comment upon a refusal by the defendant to allow a blood  
7 sample to be taken.

8 Sec. 3. EFFECTIVE DATE. This Act takes effect on the day  
9 after its passage and approval or on the day it becomes law with-  
10 out such approval.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29