

Introduced: 2/14/67
Referred: Judiciary

1 IN THE HOUSE

BY BEINIE

2 HOUSE BILL NO. 178

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to chemical analysis of blood in
7 prosecutions for driving under the influence of in-
8 toxicating liquor."

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

10 * Section 1. AS 28.35 is amended by adding a new section to read:

11 Sec. 28.35.035. CHEMICAL ANALYSIS OF BLOOD. (a) In a criminal
12 prosecution for a violation of sec. 30 of this chapter relating to
13 driving a vehicle while under the influence of intoxicating liquor, the
14 amount of alcohol in the defendant's blood at the time alleged as shown
15 by chemical analysis of the defendant's blood, urine, breath, or other
16 bodily substance shall give rise to the following presumptions:

17 (1) if there was at that time 0.05 per cent or less by
18 weight of alcohol in the defendant's blood, it shall be presumed that
19 the defendant was not under the influence of intoxicating liquor;

20 (2) if there was at that time in excess of 0.05 per cent but
21 less than 0.15 per cent by weight of alcohol in the defendant's blood,
22 that fact shall not give rise to a presumption that the defendant was or
23 was not under the influence of intoxicating liquor, but that fact may
24 be considered with other competent evidence in determining the guilt or
25 innocence of the defendant;

26 (3) if there was at that time 0.15 per cent or more by weight
27 of alcohol in the defendant's blood, it shall be presumed that the
28 defendant was under the influence of intoxicating liquor to a degree
29 which renders him incapable of safely driving a motor vehicle.

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(b) The provisions of (a) of this section shall not be construed as limiting the introduction of other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.