

Offered: 3/20/85  
Referred: Finance

Original sponsor: Abood

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 74 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to driving while intoxicated; and  
7 providing for an effective date."

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

9 \* Section 1. AS 28.35.033(d) is amended to read:

10 (d) To be considered valid under the provisions of this section  
11 the chemical analysis of the person's breath or blood shall have been  
12 performed according to methods approved by the Department of Public  
13 Safety [HEALTH AND SOCIAL SERVICES]. The Department of Public Safety  
14 [HEALTH AND SOCIAL SERVICES] is authorized to approve satisfactory  
15 techniques, methods, and standards of training necessary to ascertain  
16 the qualifications of individuals to conduct the analysis. If it is  
17 established at trial that a chemical analysis of breath or blood was  
18 performed according to approved methods by a person trained according  
19 to techniques, methods and standards of training approved by the  
20 Department of Public Safety [HEALTH AND SOCIAL SERVICES], there is a  
21 presumption that the test results are valid and further foundation for  
22 introduction of the evidence is unnecessary.

23 \* Sec. 2. AS 28.35.035(b) is amended to read:

24 (b) A person who is unconscious, injured, or otherwise in a  
25 condition rendering that person incapable of providing a breath sample  
26 [REFUSAL] is considered not to have withdrawn the consent provided  
27 under AS 28.35.031(a) and a chemical test may be administered to  
28 determine the amount of alcohol in that person's breath or blood. A  
29 person who is unconscious, injured, or otherwise incapable of

1 ~~AS 711~~ providing a breath sample [REFUSAL] need not be placed under arrest  
2 before a chemical test may be administered.

3 \* Sec. 3. TRANSITION. Regulations adopted by the Department of Health  
4 and Social Services under authority of AS 28.35.033(d) remain in effect  
5 until revoked or amended by the Department of Public Safety.

6 \* Sec. 4. This Act takes effect July 1, 1985.