

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) am
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, has received an injury which
25 prevents the person from providing a breath sample within a reasonable
26 period, or who is [OR] otherwise in a condition or at a location
27 rendering that person incapable of providing a breath sample within a
28 reasonable period [REFUSAL] is considered not to have withdrawn the
29 consent provided under AS 28.35.031(a) and a chemical test may be

1 administered to determine the amount of alcohol in that person's
2 breath or blood. A person [WHO IS UNCONSCIOUS OR OTHERWISE INCAPABLE
3 OF REFUSAL] need not be placed under arrest before a chemical test may
4 be administered under this section.

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

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