

FINAL BILL REPORT

SB 5245

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SYNOPSIS AS ENACTED

Brief Description: Regulating the analysis of blood and breath alcohol.

SPONSORS: Senators A. Smith, Quigley, Roach and Winsley; by request of Washington State Patrol

SENATE COMMITTEE ON LAW & JUSTICE

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Court proceedings regarding alcohol-related offenses are commonly time consuming. This is due, in part, to the need for testimony surrounding the exact amount of alcohol in a person's system at the time of the alleged offense. There are currently no time limitations for obtaining samples of blood or breath for analysis in alcohol-related offenses. Expert witnesses are required to testify in court as to their opinion on the level of intoxication of the defendant at the time of the alleged offense.

SUMMARY:

Any sample of a person's blood or breath taken within two hours of the alleged offense for the purpose of alcohol content testing, which indicates the person was legally under the influence of intoxicants, will be evidence that the person was also under the influence of intoxicants at the time of the alleged offense.

It is an affirmative defense to an alcohol-related offense if a person can prove by a preponderance of the evidence that he or she consumed a sufficient quantity of alcohol after the time of driving or being in actual physical control of a vehicle and before the administration of an analysis of the person's breath or blood so as to cause the person's alcohol concentration to be .10 or more.

Analyses of blood or breath samples which are obtained more than two hours after a person was alleged to be driving or in actual physical control of a vehicle may be used as evidence that the person had a blood/breath alcohol level of .10 or greater within two hours of the alleged driving or physical control of a vehicle.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	92	4	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: July 25, 1993