

2SSB 5002 - S AMD 217

By Senator Van De Wege

NOT CONSIDERED 05/17/2023

1 On page 3, line 11, after "(4)" insert "Analysis of a breath
2 sample taken within two hours of driving that shows an alcohol
3 concentration of 0.05 or higher but less than 0.08 may not be used as
4 evidence to prove a violation of subsection (1)(a) of this section
5 unless corroborated by the analysis of a blood sample, but may be
6 used as evidence to prove a violation of subsection (1)(c) or (d) of
7 this section.

8 (5)"

9 Renumber the remaining subsections consecutively and correct any
10 internal references accordingly.

EFFECT: Analysis of a breath sample taken within two hours of driving that shows an alcohol concentration of more than 0.05 but less than 0.08 may not be used as evidence to prove that the person drove with a alcohol concentration of between 0.05 and 0.08 unless corroborated by the analysis of a blood sample, but may be used as evidence to prove that the person was under the influence of or affected by intoxicating liquor or under the combined influence of intoxicating liquor, cannabis, or any drug.

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