



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Support of:

**H.B. No. 5155 (RAISED) An Act Concerning the Timing of
Testing for Blood Alcohol Levels in Operating Under the Influence Cases**

*Joint Committee on Public Safety and Security
February 18, 2010*

The Division of Criminal Justice respectfully requests the Committee's Joint Favorable Report for H.B. No. 5155, *An Act Concerning the Timing of Testing for Blood Alcohol Levels in Operating Under the Influence Cases*.

This legislation would amend Section 14-227a of the General Statutes to revise the current requirement that tests to determine the blood alcohol content of an individual suspected of driving under the influence be conducted within two hours of the time the individual was operating the vehicle in order for those tests to be admissible as evidence in a criminal or administrative proceeding. The amendment would waive the two-hour requirement and deem admissible the results of tests taken after the two-hour window but only when expert testimony is provided to establish the reliability of the test.

This change is necessary to provide for the effective prosecution of DUI cases and the adjudication of administrative per se cases in the small number of instances where testing cannot be completed within two hours of vehicle operation. The reason that this may occur is simple: emergency personnel are focused on saving lives, not collecting evidence. In attending to the seriously injured, the emphasis must first be on emergency medical care and protecting public safety, which may prevent personnel from conducting blood alcohol testing. Again, tests conducted beyond the two-hour period would only be admissible when expert testimony was provided to establish the reliability of that test.

The Division would call the Committee's attention to companion legislation being considered by the Joint Committee on the Environment with regard to operating a boat or other vessel under the influence. The proposal mirrors H.B. No. 5155 with regard to Section 15-140q of the General Statutes. The two-hour limit may be even less practical in a boating situation since a considerable amount of time may be required to safely dock the vessel before blood alcohol testing is possible. Again, the legislation recommended

by the Division would provide for the admissibility of tests taken beyond the two-hour limit but only when expert testimony is provided to establish the reliability of the test.

In conclusion, the Division of Criminal Justice would respectfully request the Committee's Joint Favorable Report for H.B. No. 5515. This bill recognizes the need for emergency personnel to focus first on protecting the public health and safety while allowing for the effective prosecution and administrative disposition of DUI violations while providing adequate safeguards for the rights of the accused.

Thank you for your consideration of H.B. No. 5155. Please do not hesitate to contact the Division of Criminal Justice if you require additional information or have any questions regarding this issue.