



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Public Safety and Security
February 28, 2012
In Support of:**

S.B. No. 63: An Act Concerning the Timing of Tests for Blood Alcohol Levels in Operating Under the Influence Cases

The Division of Criminal Justice respectfully recommends and requests the Committee's JOINT FAVORABLE Report for S.B. No. 63, An Act Concerning the Timing of Tests for Blood Alcohol Levels in Operating Under the Influence Cases. This bill was recommended to the Committee by the Division and make the same changes to the drunken driving laws as made to the drunken boating laws by Public Act 10-124, since codified in sections 15-140q and 15-140r of the general statutes.

The concept of S.B. No. 63 was presented to the Joint Committee on Public Safety and Security in the 2010 session when the bill received a Joint Favorable Change of Reference to the Judiciary Committee, where it died for lack of action. Neither the language nor the need for this legislation has changed. S.B. No. 63 would amend Section 14-227a of the General Statutes to revise the 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 bill 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. 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. Please do not hesitate to contact the Division of Criminal Justice if you require additional information or have any questions regarding this issue.