

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the Anti-Drunk Driving Act of 1982 to revise the presumptions that shall be made based upon the amount of alcohol in a person's blood, urine, or breath.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Drunk Driving Clarification Temporary Amendment Act of 2005".

Sec. 2. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended as follows:

Note,
§ 50-2205.02

(a) Strike, in the introductory subsection, the phrase "received in evidence, base upon a chemical test, competent proof to the effect that at the time of such operation:" and insert the phrase "received, based upon a chemical test, evidence of alcohol in the defendant's blood, urine, or breath, it shall give rise to the following rebuttable presumptions:" in its place.

(b) Paragraphs (1) and (2) are amended to read as follows:

"(1) If at the time of testing, defendant's blood contained .05% or less, by weight, of alcohol, or defendant's urine contained .06% or less, by weight, of alcohol, or .24 or fewer micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall establish a presumption that the defendant was not, at the time, under the influence of intoxicating liquor.

"(2) If at the time of testing, defendant's blood contained more than .05% but less than .08%, by weight, of alcohol, or defendant's urine contained more than .06% but less than .10%, by weight, of alcohol, or more than .24 but less than .38 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall not establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor."

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement

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required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia