

HOUSE No. 1894

By Representative Polito of Shrewsbury and Senator Augustus, joint petition of Karyn E. Polito and others relative to blood alcohol testing. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

PETITION OF:

Karyn E. Polito	Barbara A. L'Italien
Edward M. Augustus, Jr.	Stephen M. Brewer
Jeffrey Davis Perry	Geraldo Alicea

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO BLOOD ALCOHOL TESTING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (e) of Section 24 of Chapter 90 of the
2 General Laws, is hereby amended by striking the words “at the time
3 of the alleged offense” in lines 463-464, and inserting in place
4 thereof the following:— “within 2 hours of the alleged offense”.

1 SECTION 2. Subparagraph (iii) of paragraph (1) of
2 subsection (f) of Section 24 of said Chapter 90 is further amended
3 by striking the following words in lines 571-580 of paragraph 2:—
4 “provided, however, that the defendant may immediately, upon the
5 entry of a not guilty finding or dismissal of all charges under this
6 section, section twenty-four G or twenty-four L, and in the absence
7 of any other alcohol related charges pending against said defendant,
8 apply for and be immediately granted a hearing before the court
9 which took final action on the charges for the purpose of requesting
10 the restoration of said license. At said hearing, there shall be a rebut-
11 table presumption that said license be restored, unless the common-
12 wealth shall establish, by a fair preponderance of the evidence, that
13 restoration of said license would likely endanger the public safety”.

1 SECTION 3. Paragraph 1 of subsection F of Section 24 of said
2 Chapter 90 is further amended in line 515 by inserting after the
3 words “under the influence of intoxicating liquor.”, the following
4 words:— “In the event that a person operating a motor vehicle on a
5 public way causes or is involved in a collision with another motor
6 vehicle or another person that results in the death of one or more
7 persons, that person shall be subject to a chemical analysis of his
8 breath or a blood test.”.