

DATE: February 27, 2017

TO: House Judiciary Committee

FROM: Teresa Douglas, Member  
Governor's Advisory Committee on DUII  
Alcohol and Drug Evaluation Specialist

SUBJECT: Support for HB 2614

Chair Barker and Members of the House Judiciary Committee:

I am writing in support of HB 2614 which allows for a blood test to be taken to determine the presence of controlled substances or inhalants for purpose of Motorist Implied Consent Law, and establishes parity between blood, breath and urine in the eyes of Implied Consent. This bill also allows the refusal of a Drug Recognition Expert evaluation to be commented on during a subsequent trial, the same as when a breath or urine test, or the Standardized Field Sobriety Tests are refused.

While HB 2314 does not force a person to provide a blood sample against their will, it does make refusal of a legal blood draw subject to the same penalties as refusing a breath or urine test. Law enforcement needs to have the ability to investigate the crime of DUII in a timely manner, before the evidence dissipates. Refusal of a blood test, breath test or urine test should all be subject to the same administrative penalty with regards to the Motorist Implied Consent Law.

The evidence collected by Law Enforcement is also extremely important to the evaluation, treatment and supervision of the DUII offender. In many cases, the offender is not forthcoming about their history of substance use and abuse. The blood, breath or urine tests provide confirmation of the substances used at the time of the arrest and provide a starting point for intervention. Refusal to submit to testing is a way to withhold information that is crucial to the investigation, prosecution and treatment of the DUII offender and should not be without administrative penalty. At this time there is no penalty whatsoever for refusing a blood test and therefore, no reason to cooperate. In addition, drug recognition experts (DRE) collect information which also assists in the intervention. Refusal to submit to a DRE evaluation should be admissible in any criminal or civil action arising out of allegations that the person was driving under the influence of intoxicants.

In conclusion, HB 2614 brings refusal of a blood test in line with refusals of other testing when investigating the crime of DUII. It also supports the DRE program which has been proven to be a benefit to the DUII system in this state since 1995. Therefore, I would ask for your support of HB 2614.