



General Assembly

February Session, 2024

Raised Bill No. 230

LCO No. 1176



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT CONCERNING MAILING OF TEST RESULTS RELATED TO OPERATING A MOTOR VEHICLE OR VESSEL UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2024*):

4 (b) Except as provided in subsection (c) of this section, in any criminal
5 prosecution for violation of subsection (a) of this section, evidence
6 respecting the amount of alcohol or drug in the defendant's blood or
7 urine at the time of the alleged offense, as shown by a chemical test of
8 the defendant's breath, blood or urine, shall be admissible and
9 competent provided: (1) The defendant was afforded a reasonable
10 opportunity to telephone an attorney prior to the performance of the test
11 and consented to the taking of the test upon which such analysis is
12 made; (2) if the chemical test was of the defendant's breath, a true copy
13 of the report of the [test] result of such test was mailed to or personally
14 delivered to the defendant within twenty-four hours or by the end of

15 the next regular business day, after such result was known, whichever
16 is later; (3) the test was performed by or at the direction of a police officer
17 according to methods and with equipment approved by the Department
18 of Emergency Services and Public Protection and was performed in
19 accordance with the regulations adopted under subsection (d) of this
20 section; (4) the device used for such test was checked for accuracy in
21 accordance with the regulations adopted under subsection (d) of this
22 section; (5) an additional chemical test of the same type was performed
23 at least ten minutes after the initial test was performed or, if requested
24 by the police officer for reasonable cause, an additional chemical test of
25 a different type was performed, including a test to detect the presence
26 of a drug or drugs other than or in addition to alcohol, provided the
27 results of the initial test shall not be inadmissible under this subsection
28 if reasonable efforts were made to have such additional test performed
29 in accordance with the conditions set forth in this subsection and (A)
30 such additional test was not performed or was not performed within a
31 reasonable time, or (B) the results of such additional test are not
32 admissible for failure to meet a condition set forth in this subsection;
33 and (6) evidence is presented that the test was commenced within two
34 hours of operation. In any prosecution under this section it shall be a
35 rebuttable presumption that the results of such chemical test establish
36 the ratio of alcohol in the blood of the defendant at the time of the
37 alleged offense, except that if the results of the additional test indicate
38 that the ratio of alcohol in the blood of such defendant is ten-hundredths
39 of one per cent or less of alcohol, by weight, and is higher than the
40 results of the first test, evidence shall be presented that demonstrates
41 that the test results and the analysis thereof accurately indicate the blood
42 alcohol content at the time of the alleged offense.

43 Sec. 2. Subsection (a) of section 15-140r of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective October*
45 *1, 2024*):

46 (a) Except as provided in section 15-140s or subsection (d) of this
47 section, in any criminal prosecution for the violation of section 15-132a,
48 subsection (d) of section 15-133, section 15-140l or 15-140n or subsection

49 (b) of section 53-206d, evidence respecting the amount of alcohol or drug
50 in the defendant's blood or urine at the time of the alleged offense, as
51 shown by a chemical test of the defendant's breath, blood or urine shall
52 be admissible and competent provided: (1) The defendant was afforded
53 a reasonable opportunity to telephone an attorney prior to the
54 performance of the test and consented to the taking of the test upon
55 which such analysis is made; (2) if the chemical test was of the
56 defendant's breath, a true copy of the report of the [test] result of such
57 test was mailed to or personally delivered to the defendant within
58 twenty-four hours or by the end of the next regular business day, after
59 such result was known, whichever is later; (3) the test was performed
60 by or at the direction of a certified law enforcement officer according to
61 methods and with equipment approved by the Department of
62 Emergency Services and Public Protection, and if a blood test was
63 performed, it was performed on a blood sample taken by a person
64 licensed to practice medicine and surgery in this state, a qualified
65 laboratory technician, an emergency medical technician II or a
66 registered nurse in accordance with the regulations adopted under
67 subsection (b) of this section; (4) the device used for such test was
68 checked for accuracy in accordance with the regulations adopted under
69 subsection (b) of this section; (5) an additional chemical test of the same
70 type was performed at least ten minutes after the initial test was
71 performed or, if requested by the peace officer for reasonable cause, an
72 additional chemical test of a different type was performed, including a
73 test to detect the presence of a drug or drugs other than or in addition
74 to alcohol, except that the results of the initial test shall not be
75 inadmissible under this subsection if reasonable efforts were made to
76 have such additional test performed in accordance with the conditions
77 set forth in this subsection and (A) such additional test was not
78 performed or was not performed within a reasonable time, or (B) the
79 results of such additional test are not admissible for failure to meet a
80 condition set forth in this subsection; and (6) evidence is presented that
81 the test was commenced within two hours of operation of the vessel or
82 expert testimony establishes the reliability of a test commenced beyond
83 two hours of operation of the vessel. In any prosecution under this

84 section, it shall be a rebuttable presumption that the results of such
85 chemical analysis establish the ratio of alcohol in the blood of the
86 defendant at the time of the alleged offense, except that if the results of
87 the additional test indicate that the ratio of alcohol in the blood of such
88 defendant is ten-hundredths of one per cent or less of alcohol, by weight,
89 and is higher than the results of the first test, evidence shall be presented
90 that demonstrates that the test results and the analysis thereof
91 accurately indicate the blood alcohol content at the time of the alleged
92 offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	14-227a(b)
Sec. 2	<i>October 1, 2024</i>	15-140r(a)

Statement of Purpose:

To limit the requirement to mail the results of a test to determine the amount of alcohol or drugs in a person's system, when obtained relating to operating a motor vehicle or vessel under the influence of alcohol or drugs, to breath tests.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]