

HOUSE No. 987

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to testimony in OUI alcohol cases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>William Crocker</i>	<i>2nd Barnstable</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>

HOUSE No. 987

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 987) of Timothy R. Whelan and others relative to testimony in operating under the influence of alcohol cases. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to testimony in OUI alcohol cases.

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 1(e) of Section 24 of Chapter 90 of the General Laws, as
2 appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence
3 and inserting in place thereof the following:- “Evidence that the defendant failed or refused to
4 consent to such test or analysis shall not be admissible against him in a civil proceeding, but shall
5 be admissible in any criminal proceeding where he elects to testify, and in any action by the
6 registrar under paragraph (f) or in any proceedings provided for in section twenty-four N.”