HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Karyn E. Polito**

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*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 passage of the accompanying bill:

An Act relative to blood alcohol testing.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Karyn E. Polito | 11th Worcester |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1894 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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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:*

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

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

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