

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Cleon H. Turner**

*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 Establishing Breathalyzer Admissibility.**

PETITION OF:

NAME:

Cleon H. Turner

DISTRICT/ADDRESS:

1st Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3667 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT ESTABLISHING BREATHALYZER ADMISSIBILITY.

*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. Section 24, subsection (e) of Chapter 90 of the general laws shall be amended:

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3 In line 477 by deleting the word, "not" and in line 478 by deleting the word "but" and replacing it with the word,  
4 "and".

5

6 Section 24, subsection (f)(1) of Chapter 90 shall be amended by adding after the word, "blood." A new sentence as  
7 follows:

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9 The arresting officer or person advising the arrested person of his right to take a chemical test or analysis of his  
10 breath shall advise said person that his refusal to take such test shall be admissible as evidence in any prosecution  
11 for operating under the influence of alcohol.