

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-132 be amended as follows:

1 Amend printed bill, page 3, line 14, after "(6)(i)(I.4)," insert "(6)(i)(I.5),
2 (6)(i)(I.6),".

3 Page 4, before line 10 insert:

4 "(I.4) NOTWITHSTANDING SUBSECTION (6)(i)(I.3) OF THIS SECTION,
5 A LAW ENFORCEMENT OFFICER IS NOT REQUIRED TO OFFER THE DRIVER THE
6 OPPORTUNITY TO VOLUNTARILY SUBMIT A SAMPLE OF THE DRIVER'S
7 BREATH FOR A PRELIMINARY SCREENING TEST FOR ALCOHOL PURSUANT TO
8 SUBSECTION (6)(i)(I.3) OF THIS SECTION IF THE LAW ENFORCEMENT
9 OFFICER'S INITIAL CONTACT WITH THE DRIVER:

10 (A) OCCURS MORE THAN TWO HOURS FOLLOWING THE COLLISION;
11 OR

12 (B) ENDED, AND THE DRIVER HAS LEFT THE SCENE OF THE
13 COLLISION OR THE AREA WHERE LAW ENFORCEMENT MADE INITIAL
14 CONTACT WITH THE DRIVER AND THE DRIVER IS NOT IN LAW
15 ENFORCEMENT'S PRESENCE BUT LAW ENFORCEMENT SUBSEQUENTLY
16 LEARNS THAT THE COLLISION INVOLVED DEATH OR SERIOUS BODILY
17 INJURY WHEN THAT WAS NOT INITIALLY SUSPECTED OR KNOWN.".

18 Page 4, line 10, strike "(I.4)" and substitute "(I.5)".

19 Page 5, after line 2 insert:

20 "(I.6) IF A LAW ENFORCEMENT OFFICER IS UNABLE TO ADMINISTER
21 A PRELIMINARY SCREENING TEST FOR ALCOHOL BECAUSE THE DEVICE
22 MALFUNCTIONS OR IS UNABLE TO PRODUCE A VALID RESULT, OR IF THE
23 LAW ENFORCEMENT OFFICER IS UNABLE TO OFFER A PRELIMINARY
24 SCREENING TEST FOR ALCOHOL BECAUSE A DEVICE IS UNAVAILABLE DUE
25 TO EXTENUATING CIRCUMSTANCES, THE LAW ENFORCEMENT OFFICER
26 SHALL:

27 (A) VERBALLY DOCUMENT ON THE LAW ENFORCEMENT OFFICER'S
28 BODY-WORN CAMERA THAT THE PRELIMINARY SCREENING TEST COULD
29 NOT BE ADMINISTERED AND THE REASON WHY IT COULD NOT BE
30 ADMINISTERED; AND

31 (B) DOCUMENT ON ANY REQUIRED INCIDENT REPORT RELATED TO
32 THE COLLISION THAT THE PRELIMINARY SCREENING TEST COULD NOT BE
33 ADMINISTERED AND THE REASON WHY IT COULD NOT BE ADMINISTERED.".

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