

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-281 be amended as follows:

1 Amend printed bill, page 3, strike lines 21 through 27.

2 Page 4, strike lines 1 through 14 and substitute:

3           "(3) (a) A LAW ENFORCEMENT OFFICER INVESTIGATING WHETHER  
4 A PERSON HAS VIOLATED SUBSECTION (2)(c) OF THIS SECTION SHALL USE  
5 DILIGENCE IN DETERMINING WHETHER THERE IS PROBABLE CAUSE TO  
6 BELIEVE THE PERSON WAS DRIVING A MOTOR VEHICLE IN VIOLATION OF  
7 THE PROHIBITIONS AGAINST DUI, DUI PER SE, DWAI, OR UDD.

8           (b) IF PROBABLE CAUSE EXISTS THAT THE PERSON WAS DRIVING A  
9 MOTOR VEHICLE IN VIOLATION OF THE PROHIBITIONS AGAINST DUI, DUI  
10 PER SE, DWAI, OR UDD, THE OFFICER SHALL:

11           (I) IN ACCORDANCE WITH SECTION 42-4-1301.1, TEST THE PERSON  
12 FOR DRUGS OR ALCOHOL AS SOON AS PRACTICABLE; AND

13           (II) OBTAIN AND PRESERVE ANY RELEVANT EVIDENCE RELATED TO  
14 WHETHER THE DRIVER IS IMPAIRED BY ALCOHOL OR DRUGS WHEN THE  
15 OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON WAS DRIVING A  
16 MOTOR VEHICLE IN VIOLATION OF THE PROHIBITIONS AGAINST DUI, DUI  
17 PER SE, DWAI, OR UDD."

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