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2 Chairman Linda Cropp

Councilmember Carol Schwartz

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5 Councilmember Phil Mendelson

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7 A BILL

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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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15 Councilmember Carol Schwartz introduced the following bill, which was referred to the
16 Committee on _____.

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18 To amend the Anti-Drunk Driving Act of 1982 to revise the presumptions that shall be made
19 based upon the amount of alcohol in a person's blood, urine, or breath.

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22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 act may be cited as the "Anti-Drunk Driving Clarification Amendment Act of 2005".

24 Sec. 2. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982
25 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended to read as follows:

26 "Sec. 2. If as the result of the operation of the vehicle, any person is tried in any court of
27 competent jurisdiction within the District of Columbia for operating such vehicle while under the
28 influence of any intoxicating liquor or while the ability to operate a vehicle is impaired by the
29 consumption of intoxicating liquor in violation of section 10(b) of the District of Columbia
30 Traffic Act of 1925, approved March 3, 1925, as amended (43 Stat. 1124; District of Columbia
31 Official Code § 50-2201.05(b)), negligent homicide in violation of section 802(a) of An Act To
32 establish a code of law for the District of Columbia, approved March 3, 1901, as amended, (49

1 Stat. 385; District of Columbia Official Code § 50-2203.01), or manslaughter committed in the
2 operation of such vehicle in violation of section 802 of An Act To establish a code of law for the
3 District of Columbia, approved March 3, 1901, as amended, (49 Stat. 385; District of Columbia
4 Official Code § 22-2105), and in the course of such trial there is received in evidence, based
5 upon a chemical test, evidence of alcohol in the defendant’s blood, urine, or breath, it shall give
6 rise to the following rebuttable presumptions:

7 “(1) If at the time of testing defendant's blood contained .05% or less, by weight, of
8 alcohol, or defendant's urine contained .06% or less, by weight, of alcohol, or .24 or fewer
9 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of
10 substantially alveolar air, this evidence shall establish a presumption that the defendant was not,
11 at the time, under the influence of intoxicating liquor, and

12 “(2) If at the time of testing defendant's blood contained more than .05% but less than
13 .08%, by weight, of alcohol, or defendant's urine contained more than .06% but less than .10%,
14 by weight, of alcohol, or more than .24 but less than .38 micrograms of alcohol were contained in
15 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall not
16 establish a presumption that the defendant was or was not, at the time, under the influence of
17 intoxicating liquor, but it may be considered with other competent evidence in determining
18 whether the defendant was under the influence of intoxicating liquor, and

19 “(3) If at the time of testing defendant's blood contained .08 or more, by weight, of alcohol, or
20 defendant's urine contained .10% or more, by weight, of alcohol, or .38 micrograms or more of
21 alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air,
22 this evidence shall constitute prima facie evidence that the defendant was, at the time, under the

1 influence of intoxicating liquor and that, while the defendant was operating or in physical control
2 of a vehicle, his or her ability to operate a vehicle was impaired by the consumption of
3 intoxicating liquor.”.

4 Sec. 3. Fiscal impact statement.

5 The Council adopts the fiscal impact statement in the committee report as the fiscal
6 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
7 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

8 Sec. 4. Effective date.

9 This act shall take effect following approval by the Mayor (or in the event of veto by the
10 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
11 90 days, as provided for emergency acts of the Council of the District of Columbia in section
12 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
13 D.C. Official Code § 1-204.12(a)).