



General Assembly

February Session, 2024

***Raised Bill No. 230***

LCO No. 1176



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING MAILING OF TEST RESULTS RELATED TO OPERATING A MOTOR VEHICLE OR VESSEL UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-227a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2024*):

4 (b) Except as provided in subsection (c) of this section, in any criminal  
5 prosecution for violation of subsection (a) of this section, evidence  
6 respecting the amount of alcohol or drug in the defendant's blood or  
7 urine at the time of the alleged offense, as shown by a chemical test of  
8 the defendant's breath, blood or urine, shall be admissible and  
9 competent provided: (1) The defendant was afforded a reasonable  
10 opportunity to telephone an attorney prior to the performance of the test  
11 and consented to the taking of the test upon which such analysis is  
12 made; (2) if the chemical test was of the defendant's breath, a true copy  
13 of the report of the [test] result of such test was mailed to or personally  
14 delivered to the defendant within twenty-four hours or by the end of

15 the next regular business day, after such result was known, whichever  
16 is later; (3) the test was performed by or at the direction of a police officer  
17 according to methods and with equipment approved by the Department  
18 of Emergency Services and Public Protection and was performed in  
19 accordance with the regulations adopted under subsection (d) of this  
20 section; (4) the device used for such test was checked for accuracy in  
21 accordance with the regulations adopted under subsection (d) of this  
22 section; (5) an additional chemical test of the same type was performed  
23 at least ten minutes after the initial test was performed or, if requested  
24 by the police officer for reasonable cause, an additional chemical test of  
25 a different type was performed, including a test to detect the presence  
26 of a drug or drugs other than or in addition to alcohol, provided the  
27 results of the initial test shall not be inadmissible under this subsection  
28 if reasonable efforts were made to have such additional test performed  
29 in accordance with the conditions set forth in this subsection and (A)  
30 such additional test was not performed or was not performed within a  
31 reasonable time, or (B) the results of such additional test are not  
32 admissible for failure to meet a condition set forth in this subsection;  
33 and (6) evidence is presented that the test was commenced within two  
34 hours of operation. In any prosecution under this section it shall be a  
35 rebuttable presumption that the results of such chemical test establish  
36 the ratio of alcohol in the blood of the defendant at the time of the  
37 alleged offense, except that if the results of the additional test indicate  
38 that the ratio of alcohol in the blood of such defendant is ten-hundredths  
39 of one per cent or less of alcohol, by weight, and is higher than the  
40 results of the first test, evidence shall be presented that demonstrates  
41 that the test results and the analysis thereof accurately indicate the blood  
42 alcohol content at the time of the alleged offense.

43 Sec. 2. Subsection (a) of section 15-140r of the general statutes is  
44 repealed and the following is substituted in lieu thereof (*Effective October*  
45 *1, 2024*):

46 (a) Except as provided in section 15-140s or subsection (d) of this  
47 section, in any criminal prosecution for the violation of section 15-132a,

48 subsection (d) of section 15-133, section 15-140/ or 15-140n or subsection  
49 (b) of section 53-206d, evidence respecting the amount of alcohol or drug  
50 in the defendant's blood or urine at the time of the alleged offense, as  
51 shown by a chemical test of the defendant's breath, blood or urine shall  
52 be admissible and competent provided: (1) The defendant was afforded  
53 a reasonable opportunity to telephone an attorney prior to the  
54 performance of the test and consented to the taking of the test upon  
55 which such analysis is made; (2) if the chemical test was of the  
56 defendant's breath, a true copy of the report of the [test] result of such  
57 test was mailed to or personally delivered to the defendant within  
58 twenty-four hours or by the end of the next regular business day, after  
59 such result was known, whichever is later; (3) the test was performed  
60 by or at the direction of a certified law enforcement officer according to  
61 methods and with equipment approved by the Department of  
62 Emergency Services and Public Protection, and if a blood test was  
63 performed, it was performed on a blood sample taken by a person  
64 licensed to practice medicine and surgery in this state, a qualified  
65 laboratory technician, an emergency medical technician II or a  
66 registered nurse in accordance with the regulations adopted under  
67 subsection (b) of this section; (4) the device used for such test was  
68 checked for accuracy in accordance with the regulations adopted under  
69 subsection (b) of this section; (5) an additional chemical test of the same  
70 type was performed at least ten minutes after the initial test was  
71 performed or, if requested by the peace officer for reasonable cause, an  
72 additional chemical test of a different type was performed, including a  
73 test to detect the presence of a drug or drugs other than or in addition  
74 to alcohol, except that the results of the initial test shall not be  
75 inadmissible under this subsection if reasonable efforts were made to  
76 have such additional test performed in accordance with the conditions  
77 set forth in this subsection and (A) such additional test was not  
78 performed or was not performed within a reasonable time, or (B) the  
79 results of such additional test are not admissible for failure to meet a  
80 condition set forth in this subsection; and (6) evidence is presented that  
81 the test was commenced within two hours of operation of the vessel or  
82 expert testimony establishes the reliability of a test commenced beyond

83 two hours of operation of the vessel. In any prosecution under this  
84 section, it shall be a rebuttable presumption that the results of such  
85 chemical analysis establish the ratio of alcohol in the blood of the  
86 defendant at the time of the alleged offense, except that if the results of  
87 the additional test indicate that the ratio of alcohol in the blood of such  
88 defendant is ten-hundredths of one per cent or less of alcohol, by weight,  
89 and is higher than the results of the first test, evidence shall be presented  
90 that demonstrates that the test results and the analysis thereof  
91 accurately indicate the blood alcohol content at the time of the alleged  
92 offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	14-227a(b)
Sec. 2	<i>October 1, 2024</i>	15-140r(a)

**PS**      *Joint Favorable*