

2011 -- H 5866

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LC01977  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Introduced By: Representatives MacBeth, Menard, and Costa

Date Introduced: March 08, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is  
2 hereby amended by adding thereto the following section:

3           **31-27-2.10. Test for impairment or intoxication - Right to use reasonable force. – If**  
4 **a law enforcement officer has reasonable suspicion that a person operated a vehicle which vehicle**  
5 **was involved in an accident resulting in the death or serious bodily injury of another human**  
6 **being, the law enforcement officer shall require the person to submit to a test of the person's**  
7 **bodily fluid for the purpose of determining the alcoholic content thereof and for the presence of**  
8 **any other potentially impairing substance. The law enforcement officer may use reasonable force**  
9 **if necessary to require the person to submit to the administration of the bodily fluid test. The**  
10 **bodily fluid test shall be performed in a reasonable manner. The testing required pursuant to this**  
11 **paragraph need not be incidental to a lawful arrest of the person.**

12           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

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1           This act would permit law enforcement officers who have reasonable suspicion that a  
2 person who operated a vehicle, which vehicle was involved in an accident resulting in the death  
3 or serious bodily injury of another human being, to use reasonable force in requiring the person to  
4 submit to a test of bodily fluids. This act would also permit the law enforcement officer to use  
5 reasonable force if necessary to require the person to submit to the test.

6           This act would take effect upon passage.

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