

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 434

February 27, 1947.
Judiciary 1.

By OLSON.

A BILL FOR

An Act authorizing the taking of chemical tests to determine intoxication of persons arrested for crimes in which intoxication may be in issue, designating those competent to take the test and to testify in respect to it, establishing standards for use of the test, and eliminating the doctor-patient privilege in the introduction of such testimony.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Any peace officer or law enforcing official shall
2 have the authority to direct the taking of a blood, urine, breath
3 or body substance test to determine intoxication of any person
4 under arrest for any crime in which the issue of intoxication may
5 arise or in which intoxication may be the subject of the charge.
6 The specimen for the test shall be taken and the analysis
7 made by a physician or any person qualified by training and study
8 in the science of pathological chemistry, who also may express
9 his opinions upon the intoxication of a person as represented by
10 the results of the analysis. Evidence that there was five-
11 hundredths (5/100) per cent or less, by weight, of alcohol in
12 the blood, is prima-facie evidence that the person tested was not
13 intoxicated. Evidence that there was from five-hundredths (5/100)
14 percent by weight of alcohol in the blood is admissible but is not

15 prima-facie evidence of intoxication. Evidence that there was
16 fifteen-hundredths (15/100) percent or more by weight of alcohol
17 in the blood is prima-facie evidence that the person tested was
18 intoxicated. These percentages refer to the amount of alcohol
19 in the blood as shown by a chemical analysis of the blood or
20 by a chemical analysis of the breath, urine, or other body
21 substance. The test specimen for analysis may be taken
22 irrespective of the want or consent of the person under arrest,
23 and the doctor-patient privilege shall not be applicable to
24 giving evidence of the test in court. The test and the results
25 as herein provided shall be admissible in both criminal and
26 civil trials.

EXPLANATION OF H. F. 434

The primary purpose of this bill is to assist the court in reckless driving charges to determine whether, or not, the accused was intoxicated at the time. This act is drawn so, however, that it can be used in any case whether it is a civil or criminal case in which the question of intoxication is an issue, or one of the issues in the trial.

It will also protect the accused suffering mental derangements due to bodily injuries, or disease.