

ALASKA STATE LEGISLATURE
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John J. Cowdery

Senate Bill 349

"An Act relating to refusal to submit to a chemical test and to administration of a chemical test to a person arrested for the offense of driving while intoxicated; and providing for an effective date."

Sponsor: Senator John Cowdery

Sponsor Statement

[SB 349](#) sets the stage for the Legislature to adopt a policy associated with an individual's right to refuse to submit to a chemical test when arrested under suspicion of operating a motor vehicle while intoxicated. In order to allow chemical alcohol testing of all suspected drunk drivers, the refusal statutes are repealed within the language of this bill.

Currently, Alaska's implied consent statute does not make chemical tests mandatory. [AS 28.35.035](#) allows law enforcement to obtain a blood and/or urine sample from a suspect driver, who has been placed under arrest, only after being in an accident that causes serious injury or death.

SB 349 would provide law enforcement agencies the authority to collect samples for testing of all suspected drunk drivers whether or not an accident had occurred. There would be no right to refuse to give a sample. Those that refuse to give a breath sample would have samples collected regardless, by medical personnel.

This bill is important because it gives the police more latitude to deal with drunk drivers. Each time a suspected drunk driver is stopped, a huge amount of paperwork is generated – sometimes taking up to 4 hours just to complete the clerical duties. During the early morning hours, police officers are taken off the streets to push pencils and our neighborhoods are left under-protected.

SB 349 would take a hard line on drunk driving and improve safety in our communities by establishing a system that would keep police officers doing their jobs on the streets where they are needed most.