

Shroy, Chair  
Sukup  
Kreiman

HSB 505

JUDICIARY  
SUCCESSION  
SF/HF 2/10  
HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON LARSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act regarding application of the margin of error for chemical  
2 test evidence used in operating while intoxicated  
3 prosecutions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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~~vs bebenn~~

1 Section 1. Section 321J.2, subsection 10, Code Supplement  
2 1999, is amended to read as follows:

3 10. In any prosecution under this section, the results of  
4 a chemical test ~~may~~ shall not be used to prove a violation of  
5 subsection 1, paragraph "b" or "c", if the alcohol, controlled  
6 substance, or other drug concentration indicated by the  
7 chemical test minus the established margin of error inherent  
8 in the device or method used to conduct the chemical test does  
9 not equal or exceed the level prohibited by subsection 1,  
10 paragraph "b" or "c".

11 EXPLANATION

12 This bill amends Code section 321J.2, subsection 10,  
13 regarding the margin of error for chemical tests submitted as  
14 evidence in operating while intoxicated prosecutions, to  
15 specify application of the subsection to offenses under Code  
16 section 321J.2, subsection 1, paragraphs "b" and "c". The  
17 referenced offenses are to an alcohol concentration of .10 or  
18 more and to any amount of a controlled substance in a person's  
19 blood or urine.

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S. 3/16/00 De  
S. 3/23/00 Urgent Business  
Calendar

FEB 7 2000  
Place On Calendar

HOUSE FILE **2170**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 505)

Passed House, Date <sup>(P. 271)</sup> 2/10/00 Passed Senate, Date <sup>(P. 994)</sup> 4/4/00  
Vote: Ayes 97 Nays 0 Vote: Ayes 50 Nays 0  
Approved 4-21-00

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HF 2170

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in the device or method used to conduct the chemical test does not equal or exceed the level prohibited by subsection 1, paragraph "b" or "c".

HOUSE FILE 2170

AN ACT

REGARDING APPLICATION OF THE MARGIN OF ERROR FOR CHEMICAL TEST EVIDENCE USED IN OPERATING WHILE INTOXICATED PROSECUTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321J.2, subsection 10, Code Supplement 1999, is amended to read as follows:

10. In any prosecution under this section, the results of a chemical test may shall not be used to prove a violation of subsection 1, paragraph "b" or "c", if the alcohol, controlled substance, or other drug concentration indicated by the chemical test minus the established margin of error inherent

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2170, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved 4-21, 2000

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THOMAS J. VILSACK  
Governor