

Senate Study Bill 1090 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the refusal to submit to a chemical test of
2 blood in operating-while-intoxicated cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.6, subsection 2, Code 2015, is
2 amended to read as follows:

3 2. The peace officer shall determine which of the three
4 substances, breath, blood, or urine, shall be tested. Refusal
5 to submit to a chemical test ~~of urine or breath under this~~
6 section is deemed a refusal to submit, and section 321J.9
7 applies. ~~A refusal to submit to a chemical test of blood is not~~
8 ~~deemed a refusal to submit, but in that case, the peace officer~~
9 ~~shall then determine which one of the other two substances~~
10 ~~shall be tested and shall offer the test.~~ If the peace officer
11 fails to offer a test within two hours after the preliminary
12 screening test is administered or refused or the arrest is
13 made, whichever occurs first, a test is not required, and there
14 shall be no revocation under section 321J.9.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the refusal to submit to a chemical test
19 of blood in operating-while-intoxicated (OWI) cases.

20 Current law provides that a person's refusal to submit to
21 a chemical test of breath or urine in an OWI case constitutes
22 grounds for the department of transportation (DOT) to
23 administratively revoke the person's driver's license under
24 Code section 321J.9. The bill expands the grounds sufficient
25 for the DOT to revoke the person's driver's license under Code
26 section 321J.9 to include a person's refusal to submit to a
27 chemical test of blood.