

2012 -- H 7498

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Introduced By: Representatives MacBeth, Menard, McLaughlin, Phillips, and Dickinson

Date Introduced: February 09, 2012

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 **section 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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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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