HOUSE ———————————————— **AMENDMENT NO.___**

Offered By

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1   AMEND House Committee Substitute for House Bill Nos. 1695, 1742, & 1674, Page 10, Section 479.170,

2   Line 15, by inserting immediately after the word "injury" the following:

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4   "requiring medical attention"; and

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6   Further amend said bill, Page 15, Section 577.020, Lines 72-81, by deleting all of said lines and inserting

7   in lieu thereof the following:

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9   "8. Due to the imminent destruction of evidence that may occur if a blood sample is not drawn in

10 a timely manner, a blood sample may be extracted without a warrant and without consent from a person

11 suspected of operating a motor vehicle in an intoxicated condition if that person has refused to submit to a

12 chemical test authorized under this section. Any law enforcement officer taking a blood sample under this

13 section shall file a probable cause affidavit setting forth the basis for the blood draw with the associate

14 circuit court within seventy-two hours of arrest. Such affidavit must be executed by the seizing officer

15 stating the basis for the blood draw and showing probable cause for such blood draw. The associate

16 circuit judge shall review the affidavit ex parte and determine whether probable cause existed for the

17 blood draw. The blood draw shall be tested and the results of the blood test on such sample are

18 admissible in evidence pursuant to the exigent circumstances exception to the warrant requirement only

19 after a judge of competent jurisdiction has determined that probable cause existed for the blood draw. No

20 law enforcement officer who requests that a blood sample be drawn for the purpose of determining an

21 individual's blood alcohol content shall by civilly liable for damages to the individual from which the

22 blood was drawn, unless for gross negligence or by willful or wanton act of omission."; and

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24 Further amend said bill, Page 21, Section 577.041, Line 18 by inserting after the word "blood" the

25 following:

26 "in accordance with section 577.020.8"; and

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28 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

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