HB 2627 -- INTOXICATION RELATED PROCEEDINGS

SPONSOR: Plocher

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Civil and Criminal Proceedings by a vote of 7 to 4.

This bill requires admission of relevant chemical analysis of a person's breath in proceedings for any criminal offense or violations of county or municipal ordinances or license suspension or revocation proceedings arising out of acts occurring between December 30, 2012 and April 4, 2014, relating to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition or with an excessive blood alcohol content so long as the evidence meets certain specified conditions. These provisions are a procedural rule and applicable to all proceedings in progress whether commenced before or after the enactment of the act.

This bill abrogates the holdings of Stiers v. Dir. of Revenue, No. SC4840 (Mo. Jan. 12, 2016) and Stiers v. Dir. of Revenue, ED 101407, 2015 WL 343310 (Mo.App. E.D. Jan. 27, 2015).

This bill is the same as SB 1014 (2016).

PROPONENTS: Supporters say that this bill corrects an erroneously enacted rule. Many times the law enforcement officers are not able to do a field sobriety test; they have probable cause to believe a person is driving while intoxicated, but the evidence is insufficient to hold up in court. Prior to the rule change, you were required to use one of three solutions to calibrate the machine; the rule inadvertently specified you must use all three, by changing an “or” to an “and.” The Supreme Court interpreted this change to mean the results were not admissible because the machine had not been calibrated using all three methods, and thus was not scientifically reliable.

Testifying for the bill were Representative Plocher and Mark Richardson, Cole County Prosecuting Attorney.

OPPONENTS: Those who oppose the bill say that this is an issue of science, and this information is not scientifically reliable.

Testifying against the bill was Jeff Eastman, Missouri Association Of Criminal Defense Lawyers.