5-08/010.00 - Chemical Test Laws

Drunk Drivers

When a person driving a vehicle is arrested for driving under the influence, he is required by law to submit to a test of blood alcohol or face a one year suspension of his driver's license, or two years if previously convicted of 23152, 23153 or 23103 CVC, within the last ten years of the date of admonition (23612 CVC / 13353 CVC).

Disorderly Conduct - Drunk/Alcohol

If a person arrested for 647(f) PC (Disorderly Conduct - Drunk/Alcohol) requests a chemical test, he shall be administered a breath test.

When this Department intends to seek prosecution, a breath test may be administered if, at the discretion of the handling deputy, such a test is warranted.

Chemical Tests

This Department provides three chemical tests which are described as follows:

- Breath Alcohol Test - A device that determines alcohol concentration in a suspect’s breath sample. These tests are administered by personnel trained in the use of the breath testing instrument assigned by Scientific Services Bureau;
- Blood Sample - Withdrawal of a blood sample, in a medically accepted manner, by a physician, registered nurse, or other medical personnel identified in Section 23158(a) CVC, using an approved collection kit provided by Scientific Services Bureau. The sample is subsequently transported to Scientific Services Bureau for testing; and

  NOTE: Cases have been dismissed because a hospital's non-licensed technologist withdrew the blood. Officers should ascertain that the individual withdrawing the blood complies with Section 23158(s) CVC.

- Urine Sample - Routine collection and preservation of a urine sample. A urine sample is obtained while the suspect is given reasonable protection from public view. The authenticity of the sample is ensured by the presence of a deputy while the sample is being collected. When collecting a urine sample for forensic alcohol analysis, use the urine collection kit supplied by Scientific Services Bureau.

Offering a urine test is not required for subjects suspected of being under the influence of alcohol only. In situations where it is believed that the suspect is under the influence of an unknown drug only, a blood sample shall be collected.

Refer to the California Implied Consent for Chemical Testing laws for which sample collection techniques may be offered to the subject.

In those cases where it is believed that the suspect is under the influence of an unknown drug and/or alcohol, a blood or urine sample shall be collected.