

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS75115-LK-48 (2/25)

Short Title: Presumption-DWI Blood Withdrawal Valid. (Public)

Sponsors: Senator Queen.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A REBUTTABLE PRESUMPTION THAT THE PERSON
WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED
PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-139.1(c) reads as rewritten:

"(c) Withdrawal of Blood for Chemical Analysis. – When a blood test is specified as the type of chemical analysis by the charging officer, only a physician, registered nurse, or other qualified person may withdraw the blood sample. If the person withdrawing the blood requests written confirmation of the charging officer's request for the withdrawal of blood, the officer shall furnish it before blood is withdrawn. When blood is withdrawn pursuant to a charging officer's request, neither the person withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or corporation employing that person, or contracting for the service of withdrawing blood, may be held criminally or civilly liable by reason of withdrawing that blood, except that there is no immunity from liability for negligent acts or omissions. Upon the introduction of any evidence at trial that the person withdrawing the blood was a qualified person under this subsection, a rebuttable presumption shall be raised that the person withdrawing the blood was qualified."

SECTION 2. This act becomes effective October 1, 2003.