

**Section 15-14-18. - Use of tests in criminal or civil actions.**

A. The results of a test performed pursuant to express consent of blood or breath testing, pursuant to search warrant, or pursuant to § 15-14-17 (Implied Consent) may be introduced into evidence in any civil or criminal action arising out of the acts alleged to have been committed by the person tested for operating a motor vehicle while under the influence of any Intoxicant (as defined under § 15-14-16.A(2)).

B. When the breath or blood of the person tested contains:

(1) An alcohol concentration of five one-hundredths (.05) or less, it shall be presumed that the person was not under the influence of an Intoxicant, however, this presumption does not limit the introduction of other competent evidence concerning whether the person was under the influence of an Intoxicant; or

(2) An alcohol concentration of more than five one-hundredths (.05) but less than eight one-hundredths (.08), no presumption shall be made that the person either was or was not under the influence of an Intoxicant. However, the amount of alcohol in the person's blood may be considered along with other competent evidence in determining whether the person was under the influence of an Intoxicant.

(3) An alcohol concentration of eight one-hundredths (.08) or more, the arresting officer shall charge him or her with a violation of Subsection B or D of section 15-14-16.

C. The determination of alcohol concentration shall be based on the grams of alcohol in two hundred ten (210) liters of breath or the grams of alcohol in one hundred (100) milliliters of blood.

(Res. No. 109-16, Effective 1/1/2017)