

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

2

**SENATE BILL 449
Judiciary II Committee Substitute Adopted 4/23/03**

Short Title: Evidence - DWI Blood Withdrawal Valid.

(Public)

Sponsors:

Referred to:

March 18, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO CLARIFY ADMISSIBLE EVIDENCE THAT THE PERSON
3 WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED
4 PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON.

5 The General Assembly of North Carolina enacts:

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

7 "(c) Withdrawal of Blood for Chemical Analysis. – When a blood test is specified
8 as the type of chemical analysis by the charging officer, only a physician, registered
9 nurse, or other qualified person may withdraw the blood sample. If the person
10 withdrawing the blood requests written confirmation of the charging officer's request for
11 the withdrawal of blood, the officer shall furnish it before blood is withdrawn. When
12 blood is withdrawn pursuant to a charging officer's request, neither the person
13 withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or
14 corporation employing that person, or contracting for the service of withdrawing blood,
15 may be held criminally or civilly liable by reason of withdrawing that blood, except that
16 there is no immunity from liability for negligent acts or omissions.

17 Evidence regarding the qualifications of the person who withdrew the blood sample
18 may be provided at trial by testimony of the charging officer or by an affidavit of the
19 person who withdrew the blood sample and shall be sufficient to constitute prima facie
20 evidence regarding the person's qualifications."

21 **SECTION 2.** This act becomes effective December 1, 2003.