

Section 1. Section 2, act of February 27, 1847 (P. L. 172), entitled "An act requiring the inspectors of prisons, sheriffs, prothonotaries and clerks of criminal courts and others, to make annual returns to the secretary of the commonwealth, and for other purposes," is amended to read:

Section 2. [That it] It shall be the duty of the prothonotary, or clerk of each and every criminal court of this commonwealth, to transmit to the [secretary] Department of Justice thereof, on or before the first day of February in each and every year, a full statement in detail of the criminal business of said court, of which he is the prothonotary or clerk, for the year ending on the thirty-first day of the previous December, showing the number of bills laid before the several grand juries of said court, the number of bills returned "true bills," and the number returned ignoramus; the number of presentments made by said grand juries; the number of bills tried; the number of acquittals and convictions; the number of nolle prosequies entered; the nature of the offences charged in the bills or presentments; the number and amount of recognizances forfeited, together with any other information [the said prothonotaries or clerks, may deem useful] which the Department of Justice may require.

Section 2. This act shall take effect immediately.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

No. 237

AN ACT

SB 1413

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," providing that operation of a motor vehicle or tractor in this Commonwealth shall constitute implied consent to chemical tests to determine intoxication, authorizing the suspension of operators' licenses or permits of persons refusing to submit to a chemical test, changing the percentage of alcohol in the blood which may or may not give rise to presumptions relating to intoxication; providing for a chemical analysis of blood in certain cases and authorizing blood and urine tests.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 624.1, act of April 29, 1959 (P. L. 58), known

as "The Vehicle Code," added July 28, 1961 (P. L. 918), is amended to read:

Section 624.1. Intoxication Chemical Tests, etc.—

(a) Any person who operates a motor vehicle or tractor in this Commonwealth, [may be given] shall be deemed to have given his consent to a chemical test of his breath, for the purpose of determining the alcoholic content of his blood: Provided, That [he gives specific consent thereto and] the test is administered by qualified personnel and with equipment approved by the secretary at the direction of a police officer having reasonable grounds to believe the person to have been driving while under the influence of intoxicating liquor. Qualified personnel means a physician or a police officer who has received training in the use of such equipment in a training program approved by the secretary. If any person is placed under arrest and charged with the operation of a motor vehicle or tractor while under the influence of intoxicating liquor and is thereafter requested to submit to a chemical test and refuses to do so, the test shall not be given but the secretary may suspend his license or permit to operate a motor vehicle or tractor with or without a hearing. Any person whose license or permit to operate a motor vehicle or tractor is suspended under the provisions of this act shall have the same right of appeal as provided for in cases of suspension for other reasons.

(b) In any summary proceeding or criminal proceeding in which the defendant is charged with driving a motor vehicle or tractor while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, as shown by a chemical analysis of his breath, his blood, or his urine, which analysis was conducted with equipment approved by the secretary and operated by qualified personnel, shall be admissible in evidence.

(c) If chemical analysis of a person's breath, blood or urine shows—

(1) That the amount of alcohol by weight in the blood of the person tested is five one-hundredths (0.05) percent or less, it shall be presumed that the person tested was not under the influence of intoxicating liquor.

(2) That the amount of alcohol by weight in the blood of the person tested is in excess of five one-hundredths (0.05) percent but less than [fifteen one-hundredths (0.15)] ten one-hundredths (0.10) percent, this fact shall not give rise to any presumption that the person tested was or was not under the influence of intoxicating liquor,

but this fact may be considered with other competent evidence in determining the guilt or innocence of the person tested.

(3) That the amount of alcohol by weight in the blood of the person tested is [fifteen one-hundredths (0.15)] ten one-hundredths (0.10) percent or more, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(d) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(e) Upon the request of the person tested, the results of any chemical test shall be made available to him or to his attorney.

(f) If for any reason a person is physically unable to supply enough breath to complete a chemical test a physician or a technician acting under his direction may withdraw blood for the purpose of determining the alcoholic content therein. Consent is hereby given by such persons. The chemical analysis of the blood taken under these circumstances shall be admissible in evidence.

(g) The person tested shall be permitted to have a physician of his own choosing then and there administer a breath or blood chemical test in addition, and the results of such tests shall also be admissible in evidence.

(h) The refusal to submit to a chemical test may be admitted into evidence as a factor to be considered in determining innocence or guilt.

(i) The coroners of each county in this Commonwealth shall take blood and/or urine samples from the bodies of drivers and pedestrians over sixteen (16) years of age who die within four (4) hours following an automobile accident, and transmit these samples to the Department of Health as soon as possible.

(j) The secretary shall establish and promulgate rules and regulations for the testing of the blood and urine samples authorized to be taken from dead bodies under this section.

APPROVED—The 31st day of July, A. D., 1968.

RAYMOND P. SHAFER.