

No. 345, S.]

[Published July 28, 1949.

CHAPTER 534.

AN ACT to renumber 85.13 to be 85.13 (1) and to create 85.13 (2) of the statutes, relating to chemical analysis to determine intoxication.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 85.13 of the statutes is renumbered to be 85.13 (1).

SECTION 2. 85.13 (2) of the statutes is created to read:

85.13 (2) Upon the trial of any action or proceeding arising out of acts alleged to have been committed by any person arrested for operating a motor vehicle while under the influence of intoxicants, the court may admit evidence of the amount of alcohol in the defendant's blood taken within 2 hours of the time of the arrest, as shown by a medical or chemical analysis of such defendant's breath, blood, urine or saliva. For the purposes of this section (a) evidence that there was, at the time, five-hundredths of one per cent, or less, by weight of alcohol in his blood, is prima facie evidence that the defendant was not in an intoxicated condition; (b) evidence that there was, at the time, more than five-hundredths of one per cent and less than fifteen-hundredths of one per cent by weight of alcohol in his blood is relevant evidence, but it is not to be given prima facie effect in determining whether or not the defendant was in an intoxicated condition; (c) evidence that there was, at the time, fifteen-hundredths of one per cent or more, by weight of alcohol in his blood, shall be admitted as prima facie evidence that the defendant was in an intoxicated condition, but shall not, without corroborating physical evidence thereof, be sufficient upon which to find the defendant guilty of being under the influence of intoxicants.

Approved July 26, 1949.
