

ORDINANCE NO. 1793

AN ORDINANCE to amend and reordain Sections 22-93.3 and 22-95, Division 4 of Article III, and to repeal Section 22-93.2, also of Division 4 of Article III, all of Chapter 22 of the Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 22 relates to MOTOR VEHICLES AND TRAFFIC, which Article III relates to OPERATION OF VEHICLES, which Division 4 relates to DRIVING AUTOMOBILE, ENGINE, ETC., WHILE UNDER THE INFLUENCE OF INTOXICANTS OR NARCOTICS, which Section 22-93.3 relates to PRESUMPTIONS FROM ALCOHOLIC CONTENT OF BLOOD, which Section 22-95 relates to FORFEITURE OF DRIVER'S LICENSE; SUSPENSION OF SENTENCE, and which Section 22-93.2 formerly related to DRIVING AUTOMOBILE, ENGINE, ETC., WHILE ABILITY TO DRIVE IS IMPAIRED BY ALCOHOL.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 22-93.3, Division 4 of Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-93.3. Presumptions from alcoholic content of blood.

In any prosecution for a violation of section 22-93, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of the accused's blood in accordance with the provisions of section 22-93.1 shall give rise to the following presumptions:

- (1) If there was at that time 0.05 per cent or less by weight by volume of alcohol in the accused's blood, it shall be presumed that the accused was not under the influence of alcoholic intoxicants;
- (2) If there was at that time in excess of 0.05 per cent but less than 0.10 per cent by weight by volume of alcohol in the accused's blood, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants; but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused.
- (3) If there was at that time 0.10 per cent or more by weight by volume of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

Section 2. That Section 22-95, Division 4 of Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-95. Forfeiture of driver's license; suspension of sentence.

The judgment of conviction, or finding of not innocent in the case of a juvenile, if for a first offense under section 22-93 of this Code shall of itself operate to deprive the person convicted of the right to drive or operate any such vehicle, conveyance, engine or train in this city for a period of not less than six months nor more than one year in the discretion of the court from the date of such judgment, and if for a second or other subsequent offense within ten years thereof for a period of three years from the date of the judgment of conviction thereof, any such period in either case to run consecutively with any period of suspension for failure to permit a blood sample to be taken as required by section 22-93.1. If any person has heretofore been convicted, or found not innocent in the case of a juvenile, of violating any similar act of this state or ordinance of a city, and

thereafter is convicted of violating section 22-93 of this Code, such conviction shall for the purpose of this and the preceding section be a subsequent offense and shall be punished accordingly; and the court may, in its discretion, suspend the sentence during the good behavior of the person convicted.

Section 3. That Section 22-93.2, Division 4 of Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is repealed.

Section 4. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective July 1, 1972.

Charles E. Beatley, Jr.
Mayor

FINAL PASSAGE: JUNE 27, 1972