

# Further tests in driving offences

The Law Reform Commission of Canada today recommended that peace officers be allowed to demand blood samples from those suspected of impaired driving or impaired operation of vessels and aircraft, but only under the most stringent safeguards. Under the Commission's proposed

changes to the Criminal Code and the Criminal Law Amendment Act, 1983, blood tests could also be taken where an accident victim is unconscious. But such blood test would require judicial approval in the form of a telephone warrant and would be subject to the approval of the doctor in charge of treating the injured

person. A further proposal would allow a peace officer to demand a blood sample where a person was suspected of impaired operation of vehicles, vessels or aircraft caused by the use of drugs other than alcohol. "These proposals represent the maximum extent to which, in our opinion,

expansion of the breathalyzer provisions of the Criminal Code would be justifiable. "Commissioner Joseph Maingot, Q.C., responsible for the Commission's Criminal Procedure Project, said, "We recognize that to some degree new provisions for blood tests are intrusive and it

is for this reason we have built into our recommendations a series of safeguards." The report recommends that current provisions in the Criminal Code allowing for breathalyzer tests of those reasonably suspected of impairment be maintained. But it also

recommends, among other things, that where a suspect has been asked for a breathalyzer test he can also demand that the peace officer grant him a blood test. And the peace officer would be required to inform the suspect that he has the right to such blood test. Similarly, a person

from whom a blood sample has been taken would be statutorily entitled to have half the sample sent to an independent analyst. A peace officer would also be required to inform him of this right. Other provisions would require that the blood test be done in such a fashion as to ensure minimum discomfort.



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