

**HOUSE . . . . . No. 3477**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Timothy R. Whelan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to testimony in OUI alcohol cases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>

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By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 3477) of Timothy R. Whelan and others relative to testimony in operating under the influence of alcohol cases. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 987 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to testimony in OUI alcohol cases.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Subsection 1(e) of Section 24 of Chapter 90 of the General Laws, as  
2    appearing in the 2014 Official Edition, is hereby amended by striking out the second sentence  
3    and inserting in place thereof the following:- “Evidence that the defendant failed or refused to  
4    consent to such test or analysis shall not be admissible against him in a civil proceeding, but shall  
5    be admissible in any criminal proceeding where he elects to testify, and in any action by the  
6    registrar under paragraph (f) or in any proceedings provided for in section twenty-four N.”