

Arkansas permits new saliva test for drunk driving investigations

Written by Australian Business

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A recent law is now in effect in Arkansas. The state law passed in March 2013, and is now applicable to those in the state. The new law permits authorities to test a person's saliva for evidence of alcohol. The law passed swiftly through the House and Senate and was supported by the Association of Chiefs of Police, the Arkansas Prosecuting Attorneys Association and the Sheriff's Association.

The test is very common in Europe, and it is now being used in America. The test is called OralTox. First, an officer places the testing piece in the suspect's mouth for a couple of minutes. The testing strip must be saturated with saliva and turn colors. Some have compared the technology to a pregnancy test. Negative results can be determined in a couple of minutes, and positive markers show up within ten.

The tests are unique in that they can detect a variety of substances, including alcohol, opiates, cocaine, marijuana, oxycodone and other chemicals. According to the manufacturer, the evaluation is 94 to 99 percent accurate. However, courts will not utilize the technology, as it is too new. In addition to sobriety tests, some law enforcement agencies have used the testing strips within the hiring process.

These tests constitute probable cause for an arrest (with a positive result). Blood and urine tests can be subsequently collected at the jail.

At this time, eight states and one unincorporated territory utilize saliva testing. They are the following-Oklahoma.-New York.-Utah.-North Dakota.-Missouri.-Michigan.-California.-Colorado.-Puerto Rico.

A few states may only test by body fluid.

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The new law makes these tests legal; however, this does not mean that rights do not exist upon arrest. When a person is stopped and investigated under the suspicion of drunk driving, he or she has very important safeguards, which are supported by the Fourth Amendment. If arresting authorities do not adhere to these legal protections, this could compromise any prosecutorial evidence that is being used to charge the suspect.

If you have been slapped with drunk driving charges in Arkansas, you may benefit from legal help. It will take time before the criminal justice system can adjust to incorporate the new laws. As codes evolve, however, the system must also change. To help ensure that your rights and privileges are protected, take the time to meet with a qualified criminal defense attorney in your area.