

SUMMER DRIVING ALERT 2009

The local police forces have announced that they are going to crack down on drinking and driving over the summer by using unannounced road blocks to screen drivers. They are going to be particularly concerned about people going to the beach, parks, public events or other large gatherings.

You may, like me, have already encountered one of these road blocks.

The bottom line is that if you are asked to take a screening test or receive a demand for a full breathalyzer test, comply. You may even be asked to do physical tests or go through a drug screening test: if you are, comply. The penalty for refusing to take the tests is a charge under the criminal code of “refusal” which is a criminal offence and carries long term penalties.

Under the present law, you are not entitled to ask to retain and instruct counsel (speak to a lawyer), before doing the tests. You can ask, but you will probably be denied an opportunity to call your lawyer. It is arguable that the law as it stands is unconstitutional and/or that the results of the test are not admissible against you at trial, but there is virtually no defence to a refusal – so take the test and argue later.

If you have any questions, call me at 604-437-0461 or e-mail me at johnb@gbclaw.ca.

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