

DUI Issues: Breath Tests

If you are pulled over for suspicion of driving under the influence, the police officer will most likely want you to complete a breath test. You have the option to refuse to take the breath test; however, you should be aware that refusing to take the test can cause the police officer to assume that by refusing the test you are trying to hide something, so they may arrest you for 'probable cause'. Refusing to take the test may also result in the suspension of your driver's license for as long as a year. When you first received your license, you signed several forms. Signing these forms also meant that you agreed to show your license and proof of insurance when asked by a police officer, perform field sobriety tests, and agreed to complete blood, urine, and breath tests if asked to by a police officer. It, of course, is your legal right to refuse the tests, but realizing that there are consequences in refusing is important in understanding your rights.

When the breath test is given the officer asks you to blow into a machine. The breath test machine then uses an infrared light to determine your blood-alcohol content (BAC). The legal BAC limit in most states is 0.08, however, some states allow a BAC as high as 0.10.

Breath test machines are not always accurate. There are several situations in which the machine may not accurately read your breath's BAC. If the test is not administered as police training regulates, your BAC results may be inaccurate and you may be accused of driving under the influence even if this is not true. In some cases, the breath test may be inaccurate due to whatever the person had in their mouth just before the test was given. Certain sugar-free products contain sugar alcohols. Although these alcohols do not compare to the effect that drinking alcohol has on the body, they may still cause the breath test machine to show a BAC number. Also, some studies show that certain types of breads may have the same effect on BAC readings. Finally, if the machine is not correctly calibrated, your BAC reading may be inaccurate. A good DUI defense lawyer should know to inquire about the calibration of the breath test machines.

Finding an experienced DUI defense lawyer is important in protecting your rights. If you have been falsely accused of driving under the influence, a skilled DUI attorney will be able to help you through the complex legal process of fighting for your rights.

About the Author

If you are in need of an experienced DUI defense lawyer, contact the [Rhode Island DUI Defense Lawyer](#) James Powderly. As a lawyer that is also certified to administer a breath test, James Powderly will fight for you and find the holes in the case against you.

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