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OFFICE OF THE ATTORNEY GENERAL

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October 2, 2019

TO:

Governor

SHEILA Y. OLIVER

Lt. Governor

All County Prosecutors

Colonel Patrick J. Callahan, Superintendent, New Jersey Division of State Police

All Municipal Prosecutors
All Law Enforcement Executives

Re:

Temporary Procedure for Evidential Breath Test Utilizing

Alcotest Instrument for Standard Time Period October 27 - November 3, 2019

In 2007, the federal Energy Policy Act, 42 <u>U.S.C.</u> § 15801, changed the dates of ending Daylight Savings Time from the last Sunday in October to the first Sunday in November.

The Alcotest 7110 MKIII-C New Jersey firmware version 3.11 is configured to automatically revert to Eastern Standard Time based on the pre-2007 timetable. Instead of changing to Eastern Standard Time on November 3, 2019, the Alcotest 7110 MKIII-C will change on October 27, 2019. Commencing at 02:00 on October 27, 2019, the instrument will record all times, both printed and electronic, with an "S" suffix, indicating Standard Time.

The instrument's recordation of Standard Time rather than Daylight Savings Time does not affect the method of analysis or the accuracy of the readings. All current procedures for the processing of arrested intoxicated drivers are to continue, including the 20 minute observation period currently part of the regular protocol. However, because the Alcotest is set to read in Standard Time for the week between October 27 and November 3, Breath Test Operators should enter the time of arrest in the Alcotest instrument in Standard Time (one hour earlier than Daylight Savings Time). Entries on all other documents related to the arrest (e.g., police reports) should reflect Daylight Savings Time which will remain in effect until November 3, 2019.

Any questions regarding this procedure can be directed to your New Jersey State Police Breath Test Coordinator or the Municipal Prosecutor Supervisor within the County Prosecutor's Office.

Robert Czepiel, Jr.

Deputy Attorney General

Chief, Prosecutors Supervision & Training Bureau

c: Assistant Attorney General Veronica Allende, Director, Division of Criminal Justice Lieutenant Thomas Snyder, Unit Head, NJSP Alcohol & Drug Testing Unit



