

14-4510. Refusal to submit to chemical testing; defined.¹

The defendant refused to submit to chemical testing if:

1. the defendant was arrested on reasonable grounds to believe that the defendant was driving while under the influence of intoxicating liquor or drugs;
2. the defendant was advised by a law enforcement officer that failure to submit to the test could result in the revocation of the defendant's privilege to drive;
3. a law enforcement officer requested the defendant to submit to a chemical [breath]² [blood] test;
4. the defendant was conscious and otherwise capable of submitting to a chemical test; and
5. the defendant willfully refused to submit to a [breath]² [blood] test.

USE NOTES

1. This instruction must be given immediately after UJI Criminal 14-4508 or 14-4509 if the defendant is charged with aggravated driving while under the influence of intoxicating liquor or drugs by refusing to submit to a chemical test.

2. Use only applicable bracketed alternative.

[Adopted, effective May 1, 1997; as amended effective April 1, 1998.]