

STATE OF TENNESSEE

REQUEST FOR MANDATORY BLOOD WITHDRAWAL

DATE: _____ TIME: ____:____ AM__ PM __

COUNTY: _____ CITY: _____

(NAME OF HOSPITAL – CLINIC – LAB – ETC.)

Tennessee Code Annotated 55-10-406 (f)

- (1) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of §§ 55-10-401, 39-13-213(a)(2) or 39-13-218, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of such driver's blood. Such test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to such test.(Emphasis Added).
(2) The results of a test performed in accordance with this subsection may be offered as evidence by either the state or the driver of the vehicle in any court or administrative hearing relating to such accident or offense subject to the Tennessee rules of evidence

EFFECTIVE DATE JULY 1, 2009

Tennessee Code Annotated 55-10-406 (f) as set forth above, makes it mandatory for a law enforcement officer to obtain a test for the purpose of determining the alcohol or drug content of a drivers blood under certain circumstances as set forth in that code section. The Legislature has made it clear that this test shall be performed regardless of whether the driver does or does not consent to such test. The Tennessee Court of Criminal Appeals in State v. Mason, 1996 TENN. Crim. App. LEXIS 163 has ruled that reasonable force can be used to obtain blood in certain circumstances. This includes restraint of a struggling individual. T.C.A. 55-10-406(a)(2) provides that a qualified individual who properly draws blood per such a written request shall not incur any civil or criminal liability.

Pursuant to the mandate of the above law T.C.A. 55-10-406 (f), the undersigned, a legally constituted law enforcement officer of the State of Tennessee, hereby requests

(Name & title of physician, registered nurse, licensed practical nurse, clinical laboratory technician, licensed paramedic, licensed emergency medical technician, technologist, or nationally registered phlebotomist)

to obtain a blood sample to be used to determine the alcohol and/or drug content of the blood of _____

(Name of suspect)

This request is in compliance with Tennessee Code Annotated 55-10-406 so as to relieve the above individual withdrawing the blood from any criminal or civil liability for proper withdrawal of that blood.

Officer: _____
NAME RANK DEPARTMENT

Original – to party drawing blood
Carbon - Officer