

**By Denny Bulcao for Ceatus Media Group (SEO/SEM writing)**

## **Breath Test**

Law enforcement agencies use “breath tests” (with a “Breathalyzer”) to determine a person’s blood alcohol level (BAL). Breath tests are administered if an officer suspects someone is driving under the influence of alcohol. If a driver’s blood alcohol level exceeds the legal limit (.08 BAL in most states), he/she will be arrested and charged with DUI.

Breath tests are not always 100% accurate. In fact, breath test results can come back with what is called a “false positive.” Because breath test results have successfully been challenged in court, people charged with an alleged DUI should seek legal counsel to protect their rights.

## **Purpose of Breath Test**

A breath test is administered when an officer of the law suspects someone is driving under the influence (DUI) of alcohol. If the blood alcohol level reading of the breath test exceeds the legal limit (.08 BAL in most states), a person will be arrested and charged with driving under the influence. But, a breath test or the field sobriety tests are usually not required at the scene. If you refuse these tests, be prepared to be arrested and forced to take a required breathalyzer, urine or blood test at a police station.

## **Breath Test Inaccuracies (“False Positive”)**

Breath test results are not always accurate and may result in a “false positive.” The definition is very simple: a false positive is simply a breath test that measures a person’s blood alcohol level at a higher, incorrect reading. False positives may be the result of many factors and DUI attorneys specialize in identifying these factors to defend their clients.

What can cause a false positive? Cough medicine? Mouthwash? What about the breath test makes it susceptible to “false positives?” How does it compare with the other BAL tests for producing “false positives.” We need more info for this stuff than, “a false positive is an incorrect measure of a person’s BAL.”

## **Legal Effects of Breath Test Inaccuracies**

The legal effects of Breath Test inaccuracies can be devastating to someone’s life. A DUI conviction can lead to:

- Misdemeanor or felony charges
- License suspension or revocation
- Probation

- Heavy fines
- Jail time

In addition to these penalties, someone could have difficulty finding employment or passing necessary background checks because of their driving record; all of which is the result of a false positive.

Penalties vary greatly depending on the state and even County someone resides in.

### **Legal Issues with Breath Tests**

Because inaccurate breath test results have been successfully challenged in court, attorneys are ready and willing to help people whose rights have been violated. Considering the degree to which a DUI could impact your life, it is imperative that you exhaust all available resources to ensure that the charges are valid and your BAL accurate. If you are charged with DUI, you should immediately find a qualified DUI attorney to ensure your rights are protected under the law.