



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
PO BOX 085
TRENTON, NJ 08625-0085
TELEPHONE: (609) 984-6500

MATTHEW J. PLATKIN
Acting Attorney General

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

PEARL MINATO
Director

September 12, 2022

TO: 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 7110 MKIII-C Instruments for Standard Time Period
October 30 – November 6, 2022**

In 2007, the federal Energy Policy Act, 42 U.S.C. § 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 6, 2022, the Alcotest 7110 MKIII-C will change on October 30, 2022. Commencing at 02:00 on October 30, 2022, 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 7110 MKIII-C is set to read in Standard Time for the week between October 30 and November 6, Alcotest 7110 MKIII-C Breath Test Operators should enter the time of arrest in the Alcotest 7110 MKIII-C 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 6, 2022.

Please note that the Alcotest 9510 firmware is configured to automatically revert to Eastern Standard Time based on the post-2007 timetable. Thus, the arrest time instructions for Alcotest 7110 Breath Test Operators does NOT apply for Alcotest 9510 Breath Test Operators.

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

Very truly yours,

Jeffrey Barile
Supervising Deputy Attorney General
Chief, Prosecutors Supervision & Training Bureau
Division of Criminal Justice

c: Assistant Attorney General Pearl Minato, Director, Division of Criminal Justice
Lieutenant Harold Weyman #6289, Unit Head, NJSP Alcohol & Drug Testing Unit

