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MEMORANDUM

TO: All County Prosecutors
Colonel Patrick Callahan, Superintendent, New Jersey State Police
All Municipal Prosecutors
All Law Enforcement Executives

From: Robyn Mitchell, Deputy Attorney General, Prosecution Supervision Bureau

Copy: J. Stephen Ferketic, Director, Division of Criminal Justice
Lieutenant Michael Gibson #6353, Unit Head, NJSP Alcohol and Drug Testing Unit

Date: August 30, 2024

Subject: Temporary Procedure for Evidential Breath Test Utilizing Alcotest Instrument for Daylight Savings Time Period October 27 – November 3, 2024

In 2007, the federal Energy Policy Act, 42 U.S.C. §15801, changed the dates of Daylight Savings Time from the last Sunday in October (October 27, 2024) to the first Sunday in November (November 3, 2024).

The Alcotest 7110 MKIII-C New Jersey firmware version 3.11 is configured to automatically convert to Daylight Savings Time based on the pre-2007 timetable. Instead of changing to Daylight Savings Time on November 3, 2024, the Alcotest 7110 MK III-C will change on October 27, 2024. Prior to November 3, 2024, the instrument will continue to record all times, both printed and electronic, with an “S” suffix, indicating Standard Time. At 02:00 hours (2:00 a.m.) on November 3, 2024, the instrument’s time recording will automatically change to a “D” suffix, indicating Daylight Savings 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 during the period of time 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, 2024.

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.