

## Why the Search for a Portable THC Test Continues

The Colorado Amendment that allows adults 21 and older to possess a single ounce of marijuana was enacted in November 2012. Since then, there has been a serious uptick in the number of fatal accidents involving drivers who used cannabis. The National Highway Safety Administration has reported an 80% jump in fatal traffic accidents involving a driver who tested positive for cannabis from 2013 to 2015. Since then, Colorado State Patrol continue to search for a device that can detect whether or not a driver has recently used cannabis.

Over two years have passed since the search began, and CSP is not getting any closer. Several obstacles stand in the way of finding a device that is less intrusive and easier to use than issuing a blood test to determine if a suspected driver is over the 5 nanogram limit.

For one, drivers who are suspected of being high when they are pulled over are generally not receptive of having their breath or saliva tested for THC even if the results would not be used as evidence. A pilot program begun in early spring of 2016 has Colorado State Patrol troopers asking DUI suspects they have arrested under suspicion of marijuana impairment if they would like to volunteer in their marijuana pilot program. The program seeks to test five new devices created for the sole purpose of detecting THC. Understandably, the majority of suspects refuse to participate, not sure that the results will actually be suppressed.

In addition, due to everyone's personal level of tolerance, these devices are not always useful in determining actual impairment. Although 5 nanograms is the legal limit, many marijuana users can have 5 nanograms in their system and not actually be impaired. In Colorado, driving with any amount of THC in your system is a slippery slope, and for that reason a skilled **marijuana DUI defense attorney** can be the key to a marijuana DUI suspect having charges dropped or reduced.

Over 125 Colorado State Patrol troopers are using the new devices in an attempt to combat the rise in high drivers linked to fatal car accidents with few results. With defense attorneys throughout the state dissuading suspects who have been arrested for marijuana DUI/DWAI charges from participating in the study, the agency currently does not have enough data to select an oral testing device to adopt, if any.

Any oral testing device would need approval from the state to be used as a reliable source of evidence against marijuana DUI suspects. Although there is a link between driving under the influence of recreational weed and the increase in traffic accidents involving a driver with THC in his system, this does not imply causation. It does not confirm that drivers high on marijuana are causing more fatal accidents. On the contrary, it is more likely there are so many more drivers using marijuana in Colorado that naturally the statistics would shoot upward.

If you have been arrested for DUI/DWAI in Golden, Colorado, attorney Miller Leonard is on your case. With over 17 years of experience defending the criminally accused, he will treat your case with the attention and scrutiny it needs to develop a strong legal defense. Call **Golden Criminal Defense Attorney** at (720) 613-8783 for a free and confidential legal consultation.

<http://goldencriminalattorney.com>