Blood Test vs. Breath Test in a DUI Stop: Key Differences for Your Defense

Understanding the Two Main Types of DUI Evidence

When a driver is pulled over on suspicion of driving under the influence, the evidence that ends up in court usually comes from one of two sources: a breath test or a blood test. Both measure alcohol concentration, but the way they work, the timing of the sample, and the legal steps required to obtain them differ in ways that matter to a DUI defense attorney. Understanding these differences can help someone facing a charge recognize what kind of evidence they are up against and what challenges might exist.

Breath testing is the method most people imagine. A device often called a breathalyzer analyzes a sample of breath to estimate blood alcohol concentration. The test is quick, non-invasive, and usually done at the roadside or at the station after an arrest. Blood testing, by contrast, requires a blood draw performed by a trained professional, typically at a medical facility or police station. The sample is then sent to a lab for analysis. Because the two methods operate on different principles and have different legal requirements, each offers its own set of potential weaknesses for a defense.



How Each Test Works and Where Errors Creep In

A breath test measures the alcohol content in deep lung air and converts that figure into a blood alcohol concentration estimate. The conversion ratio used by most breath test machines assumes a certain relationship between breath alcohol and blood alcohol. That ratio can vary from person to person due to factors like body temperature, breathing pattern, and the presence of certain medical conditions. A person with a fever, for example, may register a higher reading than their actual blood alcohol level. Similarly, burping or regurgitating shortly before the test can bring alcohol from the stomach into the mouth and falsely elevate the result.

Blood testing avoids the conversion issue because it directly measures alcohol in the blood. But it introduces other variables. The blood draw itself must be done correctly, and the sample must be handled, stored, and transported under proper conditions. If the vial sits in a hot car for hours or the lab makes a processing error, the result may be unreliable. Chain of custody becomes a central concern. Every person who handles the sample must document their actions, and any break in that chain can make the evidence less credible.

Timing Matters More Than Most People Realize

Alcohol does not stay at a constant level in the body. It rises as it is absorbed and falls as the liver processes it. The timing of a test relative to when a person was driving can make a huge difference. A breath test is almost always administered closer to the time of driving, often within an hour of the stop. A blood test may happen later, sometimes hours later, because it requires transport to a medical setting and a qualified technician. By that point, the person's alcohol level may have dropped significantly, or it could still be rising if they had not finished drinking before getting behind the wheel.



This delay creates an argument that the test result does not reflect the person's actual impairment at the time of driving. A DUI defense attorney may examine the timing closely and consider whether the result should be adjusted backward or forward to estimate what the level was at the time of the stop. Courts sometimes accept retrograde extrapolation, but it relies on assumptions about the person's drinking pattern, metabolism, and other factors that can be questioned.

Legal Hurdles: When Each Test Can Be Required

Police need probable cause to request a breath or blood test after an arrest. In many states, implied consent laws mean that by driving on public roads, a person has agreed to submit to a chemical test if arrested for DUI. Refusing a test often carries automatic penalties like license suspension, even if the person is never convicted of DUI. But the rules around breath and blood tests are not identical.

Breath tests are generally easier for police to administer because they can be done roadside with portable devices or at the station. A blood draw, because it involves piercing the skin, may require a warrant in some jurisdictions or a specific set of circumstances, such as a serious injury accident. If police obtain a blood sample without proper legal authority, that evidence can be suppressed. A defense attorney will review the circumstances of the stop, the officer's observations, and whether the legal threshold for the test was met.

Preserving and Challenging the Evidence

For a breath test, most states require that the machine be regularly calibrated and maintained. Records of those calibrations, as well as the officer's training and certification, can be requested by the defense. If the machine was not properly maintained or the officer lacked a valid permit, the results may be excluded. Similarly, the defense can request the maintenance logs, the operator's manual, and the source code of the software that runs the device. These details can reveal flaws in how the test was conducted.



For blood tests, the defense will want to see the chain of custody documentation, the lab's accreditation, and the specific method used to analyze the sample. Contamination, mislabeling, or storage at the wrong temperature can all undermine the reliability of the result. In some cases, the blood sample itself may be retested by an independent lab if it has been preserved properly. That opportunity can be powerful if the original analysis was sloppy.

Which Type of Evidence Is Harder to Beat?

There is no simple answer. Breath tests are easier to attack on scientific grounds because of the conversion ratio and the many factors that can skew a reading. But the legal framework around them is well established, and judges have seen those arguments many times. Blood tests carry more weight with juries because they seem more precise and scientific, but they are more vulnerable to procedural challenges like chain of custody and warrant requirements. The best approach depends on the facts of the case, the jurisdiction, and the specific errors or omissions that can be identified.

A person who is pulled over should understand that both types of evidence can be questioned. The decision to refuse or submit to a test has consequences, and those consequences vary by state. Consulting an experienced DUI defense attorney early in the process can make a significant difference. A lawyer who handles DUI cases regularly knows what records to request, what motions to file, and how to present those challenges in court. For someone in Delaware County facing these issues, a law office like stevenomearalaw.com can provide guidance on how the evidence in their case might be tested and what defenses apply.

Whether the evidence is a breath print or a vial of blood, the core question remains the same: does the test result actually prove impairment at the time of driving? The answer is rarely as clear as the number on a printout suggests. Body camera footage from the traffic stop, field sobriety test performance, and the officer's observations all play a role in building the full picture. A strong defense looks at every piece of evidence and finds the weak spots, whether they are in the science, the procedure, or the law.



Understanding the difference between breath and blood evidence is not just academic. It helps a person know what to expect, what questions to ask, and why the timing and method of

testing matter. Anyone charged with DUI should seek legal advice promptly to review the details of their stop and the type of evidence collected. For those in the Delaware County area, stevenomearalaw.com offers representation in DUI defense and related traffic matters, including the evaluation of chemical test evidence.