

Session 115 - (2003-2004)

H 4428 General Bill, By Wilkins, Harrison, Stille, Cotty, E.H. Pitts, Kirsh, Walker, Leach and Gilham

Summary: Revisions to 2003 DUI/per se/.08 legislation (H3231)

A BILL TO AMEND SECTION 56-5-2933, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO SUBSTITUTE THE TERM "ARREST" FOR THE TERM "TRAFFIC STOP", CONFORM APPLICABILITY PROVISIONS TO ARRESTS ONLY, DELETE THE PROHIBITION OF ARRESTS PURSUANT TO TRAFFIC ROADBLOCKS OR DRIVER'S LICENSE CHECKPOINTS, DELETE THE SPECIFIC ENUMERATION OF CERTAIN TYPES OF EVIDENCE THAT MAY BE INTRODUCED RELATING TO A PERSON'S ALCOHOL CONCENTRATION, AND TO DELETE A PROVISION PERTAINING TO JURY INSTRUCTIONS; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO A DRIVER'S IMPLIED CONSENT TO BE ADMINISTERED CERTAIN CHEMICAL TESTS, AND THE ADMINISTRATION OF CERTAIN TESTS AND THEIR RESULTS AND INFERENCES, SO AS TO DELETE A PROVISION THAT PROVIDES THAT THE FAILURE TO COMPLY WITH POLICIES, PROCEDURES, AND REGULATIONS PROMULGATED BY SLED RESULTS IN THE EXCLUSION FROM EVIDENCE OF TEST RESULTS UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56-5-2953, AS AMENDED, RELATING TO VIDEOTAPING OF THE INCIDENT SITE AND BREATH SITE, SO AS TO DELETE THE REQUIREMENT THAT A PERSON MUST BE ADVISED OF HIS MIRANDA RIGHTS BEFORE A FIELD SOBRIETY TEST MAY BE ADMINISTERED AND TO DELETE THE REQUIREMENT THAT THE READING OF THE MIRANDA RIGHTS MUST BE VIDEOTAPED AT THE BREATH SITE.

12/03/03 House Prefiled
12/03/03 House Referred to Committee on Judiciary
01/13/04 House Introduced and read first time HJ-70
01/13/04 House Referred to Committee on Judiciary HJ-70
01/20/04 House Member(s) request name added as sponsor: Gilham