

## Session 115 - (2003-2004)

### H 4973 General Bill, By W.D. Smith

#### Summary: Driving while intoxicated

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-2931 SO AS TO CREATE THE OFFENSE OF DRIVING WHILE SERIOUSLY INTOXICATED AND TO PROVIDE PENALTIES; BY ADDING SECTION 56-5-2932 SO AS TO CREATE THE OFFENSE OF DRIVING WHILE GROSSLY INTOXICATED AND TO PROVIDE PENALTIES; BY ADDING SECTION 56-5-2956 SO AS TO REQUIRE BLOOD AND URINE TESTING OF AN OPERATOR OF A MOTOR VEHICLE SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS WHEN THERE IS AN ACCIDENT RESULTING IN DEATH OR SERIOUS BODILY INJURY; TO AMEND SECTION 24-13-100, AS AMENDED, RELATING TO THE DEFINITION OF A NO PAROLE OFFENSE, SO AS TO ADD THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE CAUSING GREAT BODILY INJURY AS A NO PAROLE OFFENSE; TO AMEND SECTION 56-5-2934, AS AMENDED, RELATING TO THE RIGHT TO COMPULSORY PROCESS AND SECTION 56-5-2935, RELATING TO THE RIGHT TO A JURY TRIAL OF A PERSON CHARGED WITH A DRIVING UNDER THE INFLUENCE OFFENSE, BOTH SO AS TO INCLUDE THE OFFENSES OF DRIVING WHILE SERIOUSLY INTOXICATED AND DRIVING WHILE GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2940, AS AMENDED, RELATING TO THE PENALTIES FOR VIOLATING THE OFFENSES OF DRIVING UNDER THE INFLUENCE AND DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO INCREASE THE PENALTY FOR A SECOND OFFENSE FROM FIVE TO TEN DAYS AND FOR A THIRD OFFENSE FROM SIXTY DAYS TO SIX MONTHS; TO AMEND SECTION 56-5-2941, RELATING TO THE INSTALLATION OF IGNITION INTERLOCK DEVICES AND SECTION 56-5-2942, RELATING TO VEHICLE IMMOBILIZATION, BOTH SO AS TO INCLUDE THE OFFENSES OF DRIVING WHILE SERIOUSLY INTOXICATED AND DRIVING WHILE GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2947, AS AMENDED, RELATING TO CHILD ENDANGERMENT, SO AS TO INCLUDE THE OFFENSES OF DRIVING WHILE SERIOUSLY INTOXICATED, DRIVING WHILE GROSSLY INTOXICATED, AND DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO IMPLIED CONSENT TO TESTING FOR ALCOHOL OR DRUGS AND INFERENCE OF DRIVING UNDER THE INFLUENCE, SO AS TO CHANGE THE PROVISION REQUIRING WRITTEN NOTICE OF A DRIVER'S LICENSE SUSPENSION FOR FAILURE TO SUBMIT TO TESTING TO REFLECT A SUSPENSION OF ONE YEAR RATHER THAN NINETY DAYS, TO INCLUDE THE OFFENSES OF DRIVING WHILE SERIOUSLY INTOXICATED AND DRIVING WHILE GROSSLY INTOXICATED, TO PROVIDE A PERSON IS INFERRED TO BE UNDER THE INFLUENCE OF ALCOHOL IF THE ALCOHOL CONCENTRATION IS EIGHT ONE HUNDREDTHS OF ONE PERCENT TO TWELVE ONE HUNDREDTHS OF ONE PERCENT, TO PROVIDE A PERSON IS INFERRED TO BE SERIOUSLY INTOXICATED IF THE ALCOHOL CONCENTRATION IS THIRTEEN ONE HUNDREDTHS OF ONE PERCENT TO EIGHTEEN ONE HUNDREDTHS OF ONE PERCENT, AND TO PROVIDE A PERSON IS INFERRED TO BE GROSSLY INTOXICATED IF THE ALCOHOL CONCENTRATION IS NINETEEN ONE HUNDREDTHS OF ONE PERCENT OR MORE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO SUSPENSION FOR REFUSAL TO SUBMIT TO TESTING, SO AS TO INCREASE THE REQUIRED SUSPENSION FROM NINETY DAYS TO ONE YEAR, TO INCREASE THE SUSPENSION FROM ONE HUNDRED EIGHTY DAYS TO ONE YEAR IF THE PERSON'S LICENSE WAS PREVIOUSLY SUSPENDED FOR A DRIVING UNDER THE INFLUENCE OFFENSE WITHIN THE LAST TEN YEARS, AND TO INCLUDE THE OFFENSES OF DRIVING WHILE SERIOUSLY INTOXICATED AND DRIVING WHILE GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2953, AS AMENDED, RELATING TO INCIDENT SITE AND BREATH SITE VIDEOTAPING, SO AS TO INCLUDE THE OFFENSES OF DRIVING WHILE SERIOUSLY INTOXICATED AND DRIVING WHILE GROSSLY INTOXICATED; AND TO AMEND SECTION 56-5-2970, RELATING TO REPORTS OF CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OFFENSES, SECTION 56-5-2980, RELATING TO COPIES OF REPORTS AS PRIMA FACIE EVIDENCE IN A TRIAL WHEN A PERSON IS CHARGED WITH A DRIVING UNDER THE INFLUENCE OFFENSE, SECTION 56-5-2990, RELATING TO SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE, AND SECTION 56-5-2995, RELATING TO AN ADDITIONAL ASSESSMENT ON PERSONS CONVICTED OF DRIVING UNDER THE INFLUENCE, ALL AS AMENDED, ALL SO AS TO INCLUDE THE OFFENSES OF DRIVING WHILE SERIOUSLY INTOXICATED, DRIVING WHILE GROSSLY INTOXICATED, AND CAUSING GREAT BODILY INJURY OR DEATH WHILE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL.

**03/17/04 House Introduced and read first time HJ-55**

**03/17/04 House Referred to Committee on Judiciary HJ-57**