**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4449**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Lucas and G.R. Smith

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Introduced in the House on January 10, 2012

Currently residing in the House Committee on **Judiciary**

Summary: Breath test site video recordings

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 House Prefiled

11/29/2011 House Referred to Committee on **Judiciary**

1/10/2012 House Introduced and read first time ([House Journal‑page 45](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 45](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4449_20111129.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑2953, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCIDENT SITE AND BREATH TEST SITE VIDEO RECORDING, SO AS TO PROVIDE THAT IF A PERSON REFUSES TO TAKE A BREATH TEST, THEN THE VIDEO RECORDING MAY END.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑5‑2953(A)(2) of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“(2) The video recording at the breath test site must:

(a) include the entire breath test procedure, the person being informed that he is being video recorded, and that he has the right to refuse the test. If the person refuses to take the test, then the video recording may end;

(b) include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test. If the person refuses to take the test, then the video recording may end; and

(c) also include the person’s conduct during the required twenty‑minute pre‑test waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period. If the person refuses to take the test, then the video recording may end.”

SECTION 2. This act takes effect upon approval by the Governor.

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