

Session 114 - (2001-2002)

H 4919 General Bill, By Gilham, Allison, Barfield, Davenport, Emory, Freeman, Frye, Haskins, Keegan, Koon, J.M. Neal, Neilson, Riser, Rivers, Rodgers, D.C. Smith, Snow, Stille, Stuart, Townsend and Vaughn

Summary: DUI; defendant no longer afforded jury trial, alcohol concentration limit lowered to .08%; provisions regarding chemical, simulator and breath tests

A BILL TO AMEND SECTION 56-5-2935, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHT TO A JURY TRIAL AFFORDED TO A PERSON WHO IS CHARGED WITH OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF BOTH, DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, OR CAUSING GREAT BODILY INJURY OR DEATH BY OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF BOTH, SO AS TO DELETE THE PROVISION THAT AFFORDS A JURY TRIAL TO A PERSON CHARGED WITH OPERATING A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION; TO AMEND SECTION 56-5-2940, AS AMENDED, RELATING TO THE PENALTIES FOR A VIOLATION OF CERTAIN ALCOHOL RELATED MOTOR VEHICLE OFFENSES, SO AS TO DELETE OPERATING A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION FROM THE LIST OF OFFENSES COVERED BY THIS PROVISION; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO A MOTOR VEHICLE DRIVER'S IMPLIED CONSENT TO HAVE HIS BREATH, BLOOD, OR URINE TESTED FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL OR DRUGS OR A COMBINATION OF BOTH, SO AS TO PROVIDE THAT IF A DRIVER HAS AN ALCOHOL CONCENTRATION OF EIGHT ONE-HUNDREDTHS OF ONE PERCENT OR MORE, THEN A DRIVER IS NOT REQUIRED TO TAKE ADDITIONAL CHEMICAL TESTS, AND THE DRIVER IS GUILTY OF DRIVING UNDER THE INFLUENCE OF ALCOHOL, TO REVISE THE ALCOHOL CONCENTRATIONS THAT MUST BE REGISTERED BY A SIMULATOR TEST BEFORE A BREATH TEST IS ADMINISTERED, TO DELETE THE PROVISIONS RELATING TO VARIOUS LEVELS OF ALCOHOL CONCENTRATION THAT RESULT IN CERTAIN PRESUMPTIONS, INFERENCES, AND GUILT REGARDING WHETHER A PERSON HAS VIOLATED A PROVISION THAT MAKES DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF BOTH ILLEGAL, AND TO DELETE REFERENCES TO THE PROVISION THAT MAKES IT ILLEGAL TO OPERATE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR HIS REFUSAL TO SUBMIT TO A TEST TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO DELETE REFERENCES TO THE PROVISION THAT MAKES IT ILLEGAL TO OPERATE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION; TO REPEAL SECTION 56-5-2933; AND TO DIRECT THE CODE COMMISSIONER TO DELETE ALL REFERENCES TO SECTION 56-5-2933 WHEREVER IT APPEARS IN THE CODE OF LAWS.

03/19/02 House Introduced and read first time HJ-6

03/19/02 House Referred to Committee on Judiciary HJ-7