Session 125 - (2023-2024)

S 0852 General Bill, By Davis and M. Johnson

Summary: Driving Under the Influence

A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-2930, RELATING TO OPERATING A MOTOR VEHICLE WHILE UNDER INFLUENCE OF ALCOHOL OR DRUGS TO AMEND THE PENALTIES TO PERMIT A SENTENCE OF BOTH A FINE AND INCARCERATION AND TO REQUIRE A CONVICTED PERSON TO ATTEND A DUI VICTIM IMPACT PANEL; BY AMENDING SECTION 56-5-2933, RELATING TO DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION; TO PERMIT A SENTENCE OF BOTH A FINE AND INCARCERATION AND TO REQUIRE A CONVICTED PERSON TO ATTEND A DUI VICTIM IMPACT PANEL; BY AMENDING SECTION 56-5-2941, RELATING TO AN IGNITION INTERLOCK DEVICE SO AS TO DELETE THE PROVISION THAT NOTHING IN THE SECTION REQUIRES INSTALLATION OF AN IGNITION INTERLOCK DEVICE PRIOR TO THE CONTESTED CASE HEARING; BY AMENDING SECTION 56-5-2945, RELATING TO THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE, SO AS TO CREATE THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE SECOND DEGREE AND ESTABLISH PENALTIES; BY AMENDING SECTION 56-5-2947, RELATING TO CHILD ENDANGERMENT; TO INCLUDE THE OFFENSES OF RECKLESS VEHICULAR HOMICIDE AND RECKLESS DRIVING AS VIOLATIONS SUBJECT TO A CHARGE OF CHILD ENDANGERMENT; BY AMENDING SECTION 56-5-2950, RELATING TO IMPLIED CONSENT TO TESTING FOR ALCOHOL OR DRUGS; TO PROVIDE THAT AN ARRESTING OFFICER IS NOT REQUIRED TO OFFER A BREATH TEST TO A SUSPECT WHOM HE HAS REASONABLE SUSPICION IS UNDER THE INFLUENCE OF DRUGS OTHER THAN ALCOHOL, AND TO PROVIDE THAT LABORATORY TECHNICIANS, PHLEBOTOMISTS, AND EMERGENCY MEDICAL TECHNICIANS MAY OBTAIN BLOOD OR URINE SAMPLES; BY AMENDING SECTION 56-5-2951, RELATING TO SUSPENSION OF A LICENSE FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVEL OF ALCOHOL CONCENTRATION, SO AS TO PROVIDE THAT A PERSON ISSUED A LICENSE SUSPENSION MAY INSTALL AN IGNITION INTERLOCK DEVICE WITHIN THIRTY DAYS AND OBTAIN A TEMPORARY DRIVER'S LICENSE WITH AN IGNITION INTERLOCK RESTRICTION, AND TO PROVIDE THAT A PERSON WHO REFUSES TO SUBMIT TO A CHEMICAL TEST MUST HAVE HIS DRIVER'S LICENSE SUSPENDED FOR ONE YEAR FOR A FIRST OFFENSE, AND TO PROVIDE INCREASED SUSPENSIONS FOR SUBSEQUENT OFFENSES, OR IF A PERSON TAKES THE TESTS AND REGISTERS AN ALCOHOL CONCENTRATION OF OVER FIFTEEN ONE-HUNDREDTH OF ONE PERCENT OR MORE, THAT HIS LICENSE IS SUSPENDED FOR TWO MONTHS; BY AMENDING SECTION 56-5-2953, RELATING TO INCIDENT SITE AND BREATH TEST SITE VIDEO RECORDING, SO AS TO PROVIDE THAT NOTHING IN THIS SECTION MAY BE CONSTRUED TO COMPEL OR AUTHORIZE A DISMISSAL OF A DUI OFFENSE IF THE OFFICER SUBSTANTIALLY COMPLIES WITH THE STATUTE AND THAT MOTIONS FOR SUPPRESSION OF EVIDENCE UNDER THE STATUTE MUST BE MADE PRIOR TO JEOPARDY ATTACHING; BY AMENDING SECTION 56-5-2920, RELATING TO RECKLESS DRIVING, SO AS TO CREATE THE OFFENSE OF FELONY RECKLESS DRIVING WITH GREAT BODILY INJURY AND TO ESTABLISH PENALTIES; BY ADDING SECTION 56-5-2960 TO PROVIDE THAT A PERSON CONVICTED OF FELONY DRIVING UNDER THE INFLUENCE CAUSING THE DEATH OR DISABILITY OF A PARENT OR GUARDIAN, THAT THE DEFENDANT MAY BE ORDERED TO PAY CHILD SUPPORT AS RESTITUTION FOR THE DURATION OF ANY PROBATION ORDERED; BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF A LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF A LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO PROVIDE THAT A PERSON ISSUED A NOTICE OF SUSPENSION MAY OBTAIN A TEMPORARY LICENSE WITH AN IGNITION INTERLOCK RESTRICTION; AND BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSE, SO AS TO REMOVE THE PROVISION THAT NOTHING IN THIS SECTION REQUIRES A PERSON TO OBTAIN AN IGNITION INTERLOCK UNLESS AN OFFENSE IS ALCOHOL RELATED.

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01/11/24		**Scrivener's error corrected**
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