## Session 115 - (2003-2004)

**H 3706 General Bill, By Talley**

**Summary:** Grossly intoxicated, driving a motor vehicle while is unlawful; provisions, penalties

A BILL TO AMEND SECTION 56-1-1320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A PROVISIONAL DRIVER'S LICENSE, SO AS TO PROVIDE THAT A PERSON WHO IS CONVICTED OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, AND WHOSE ALCOHOL CONCENTRATION WAS SIXTEEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE MAY NOT OBTAIN A PROVISIONAL DRIVER'S LICENSE; BY ADDING SECTION 56-5-2931 SO AS TO PROVIDE THAT IT IS ILLEGAL TO DRIVE A MOTOR VEHICLE WHILE GROSSLY INTOXICATED, AND TO PROVIDE A PENALTY; TO AMEND SECTION 56-5-2934, RELATING TO A PERSON'S RIGHT TO COMPULSORY PROCESS WHEN CHARGED WITH CERTAIN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSES, SO AS TO PROVIDE THAT A PERSON CHARGED WITH OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED HAS A RIGHT TO COMPULSORY PROCESS; TO AMEND SECTION 56-5-2935, RELATING TO A PERSON'S RIGHT TO HAVE A JURY TRIAL WHEN CHARGED WITH CERTAIN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSES, SO AS TO PROVIDE THAT A PERSON CHARGED WITH OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED IS ENTITLED TO A JURY TRIAL; TO AMEND SECTION 56-5-2941, RELATING TO THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON THE VEHICLE OF A PERSON WHO IS CONVICTED OF CERTAIN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSES, SO AS TO PROVIDE THAT A PERSON CONVICTED OF OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED MAY HAVE AN IGNITION INTERLOCK DEVICE INSTALLED ON HIS MOTOR VEHICLE; TO AMEND SECTION 56-5-2947, AS AMENDED, RELATING TO THE OFFENSE OF CHILD ENDANGERMENT, SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES WHEN A PERSON OPERATES A MOTOR VEHICLE WHILE GROSSLY INTOXICATED, HE IS GUILTY OF CHILD ENDANGERMENT; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO A PERSON WHO DRIVES A MOTOR VEHICLE GIVING CONSENT TO CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE TO DETERMINE THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IN A PERSON'S SYSTEM, SO AS TO PROVIDE THAT IF A PERSON OPERATES A MOTOR VEHICLE WITH AN ALCOHOL CONCENTRATION OF SIXTEEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE, IT MAY BE INFERRED THAT THE PERSON IS GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE WHO REFUSES TO SUBMIT TO CERTAIN TESTS TO DETERMINE THE LEVEL OF HIS ALCOHOL CONCENTRATION, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PERSON CHARGED WITH OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2953, AS AMENDED, RELATING TO THE VIDEOTAPING OF THE INCIDENT AND BREATH TEST SITE AND THE ADMISSIBILITY OF EVIDENCE WHEN A PERSON IS CHARGED WITH AN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSE, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PERSON WHO IS CHARGED WITH OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2970, AS AMENDED, RELATING TO CERTAIN COURT OFFICIALS WHO ARE CHARGED WITH REPORTING VIOLATIONS OF CERTAIN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSES TO THE MOTOR VEHICLE DIVISION, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO THE OFFENSE OF OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2980, AS AMENDED, RELATING TO COPIES OF CERTAIN REPORTS THAT RELATE TO A PERSON'S PREVIOUS CONVICTIONS FOR VIOLATING CERTAIN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSES TO BE CONSIDERED PRIMA FACIE EVIDENCE, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO THE OFFENSE OF OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED; TO AMEND SECTION 56-5-2990, AS AMENDED, RELATING TO THE SUSPENSION OF THE DRIVER'S LICENSE OF A PERSON CONVICTED OF CERTAIN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSES, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PERSON CONVICTED OF OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED, AND TO PROVIDE PERIODS OF DRIVER'S LICENSE SUSPENSIONS FOR PERSONS CONVICTED OF OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED; AND TO AMEND SECTION 56-5-2995, AS AMENDED, RELATING TO THE ADDITIONAL ASSESSMENT THAT MUST BE IMPOSED UPON A PERSON CONVICTED OF CERTAIN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSES, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PERSON CONVICTED OF OPERATING A MOTOR VEHICLE WHILE GROSSLY INTOXICATED.

**02/26/03 House Introduced and read first time HJ-117**

**02/26/03 House Referred to Committee on Judiciary HJ-120**