**A** **BILL**

TO AMEND SECTION 56‑5‑2953, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECORDING OF AN INCIDENT SITE AND BREATH TEST SITE WHEN A PERSON IS CHARGED WITH A TRAFFIC OFFENSE RELATED TO THE UNLAWFUL USE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO PROVIDE THAT THE VIDEO RECORDING TAKEN AT THE BREATH TEST SITE ALSO MUST INCLUDE AN AUDIBLE RECORDING.

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;

(b) include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; ~~and~~

(c) ~~also~~ include the person’s conduct during the required twenty‑minute ~~pre‑test~~ pretest waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period; and

(d) also include an audible recording.”

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

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