SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.2	DATE: 09/01/93	REVISION DATE: 03/20/94
TITLE: IMPLIED CONSENT - ADMINISTRATION OF IMPLIED CONSENT BREATH ALCOHOL TESTS		PAGE 1 OF 1

RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF FORENSIC SERVICES LABORATORY

RELATED STANDARDS/STATUTES/REFERENCES: S.C. Code of Laws, Section 56-5-2950
S.C. Code of Laws, Section 50-21-114
S.C. Code of Laws, Section 55-1-100
S.C. Code of Laws, Section 56-1-2130

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The Division will establish guidelines for the request of an implied consent breath alcohol test.

SPECIFIC PROCEDURES: The arresting officer may direct that a subject under arrest for DUI, Felony DUI, BUI, FUI submit to an implied consent test. An officer stopping or detaining a subject for a CDL violation may also direct that the subject submit to an implied consent test.

If an implied consent test for a DUI, Felony DUI, BUI, and/or CDL violation is to be offered to a subject, a physically able subject must first be offered a breath test to determine his/her blood alcohol concentration. If a subject is physically unable to provide an acceptable breath sample, if he/she has an injured mouth, is unconscious, or dead, a blood sample may be taken. Also, if any other reason is medically established, acceptable to licensed medical personnel, that a person is unable to provide an acceptable breath sample, a blood sample may be taken. If the officer has reasonable grounds to believe that the person is under the influence of drugs other than alcohol, the officer may order that a urine sample be taken for testing.

Any person who has been transported to a licensed medical facility for medical treatment and who has been charged with DUI, Felony DUI, BUI, and/or a CDL violation, may be given a blood test. If, in this case, a test should be performed, a blood test should be administered due to the time element involved.

SLED approved methods do not require that the breath test must be administered within any particular time period after the arrest. The test should be administered as soon as practicable without undue delay.

BY ORDER OF:

Robert M. Stewart

CHIEF OF SLED