

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 727

Short Title: Require Chemical Test/Crashes Involving Death. (Public)

Sponsors: Senators Berger of Rockingham; Hunt and Tillman.

Referred to: Judiciary I.

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE ADMINISTRATION OF A CHEMICAL ANALYSIS FOR
ALL DRIVERS INVOLVED IN CRASHES THAT RESULT IN DEATH.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-16.3(a) reads as rewritten:

"(a) When Alcohol Screening Test May Be Required; Not an Arrest. – A law-enforcement officer may require the driver of a vehicle to submit to an alcohol screening test within a relevant time after the driving if the officer has:

(1) Reasonable grounds to believe that the driver has consumed alcohol and has:

a. Committed a moving traffic violation; or

b. Been involved in ~~an accident or collision; or a crash; or~~

(2) An articulable and reasonable suspicion that the driver has committed an implied-consent offense under G.S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or lawfully encountered by the officer in the course of the performance of the officer's duties.

Requiring a driver to submit to an alcohol screening test in accordance with this ~~section~~ subsection does not in itself constitute an arrest."

SECTION 2. G.S. 20-16.3 is amended by adding a new subsection to read:

"(a1) When Alcohol Screening Test Shall Be Required; Not an Arrest. – A law enforcement officer shall require the driver of a vehicle to submit to an alcohol screening test within a relevant time after the driving if the officer has reasonable grounds to believe that the driver has consumed alcohol and has been involved in a crash that resulted in a death. Requiring a driver to submit to an alcohol screening test in accordance with this subsection does not in itself constitute an arrest."

SECTION 3. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

