

2009 VISION SAFE DRIVE CONFERENCE



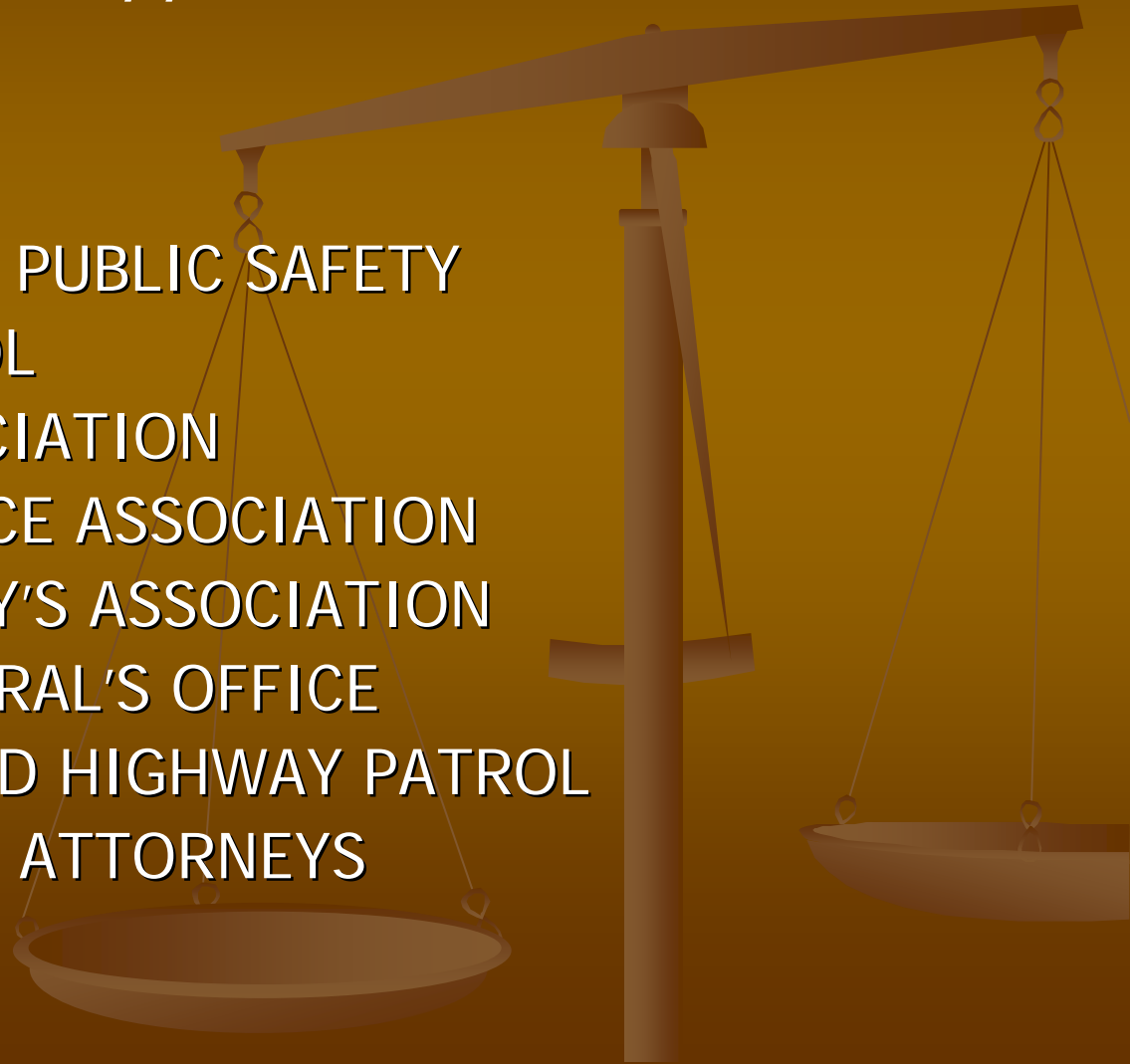
2006 the SD Legislature passed Senate Bill 1

This Bill called for the repeal of the “Implied Consent” and instituted the mandatory withdrawal of blood/bodily substance for those arrested for driving under the influence of alcohol or drugs in South Dakota.

2006 LEGISLATIVE SESSION

SB 1 Supporters

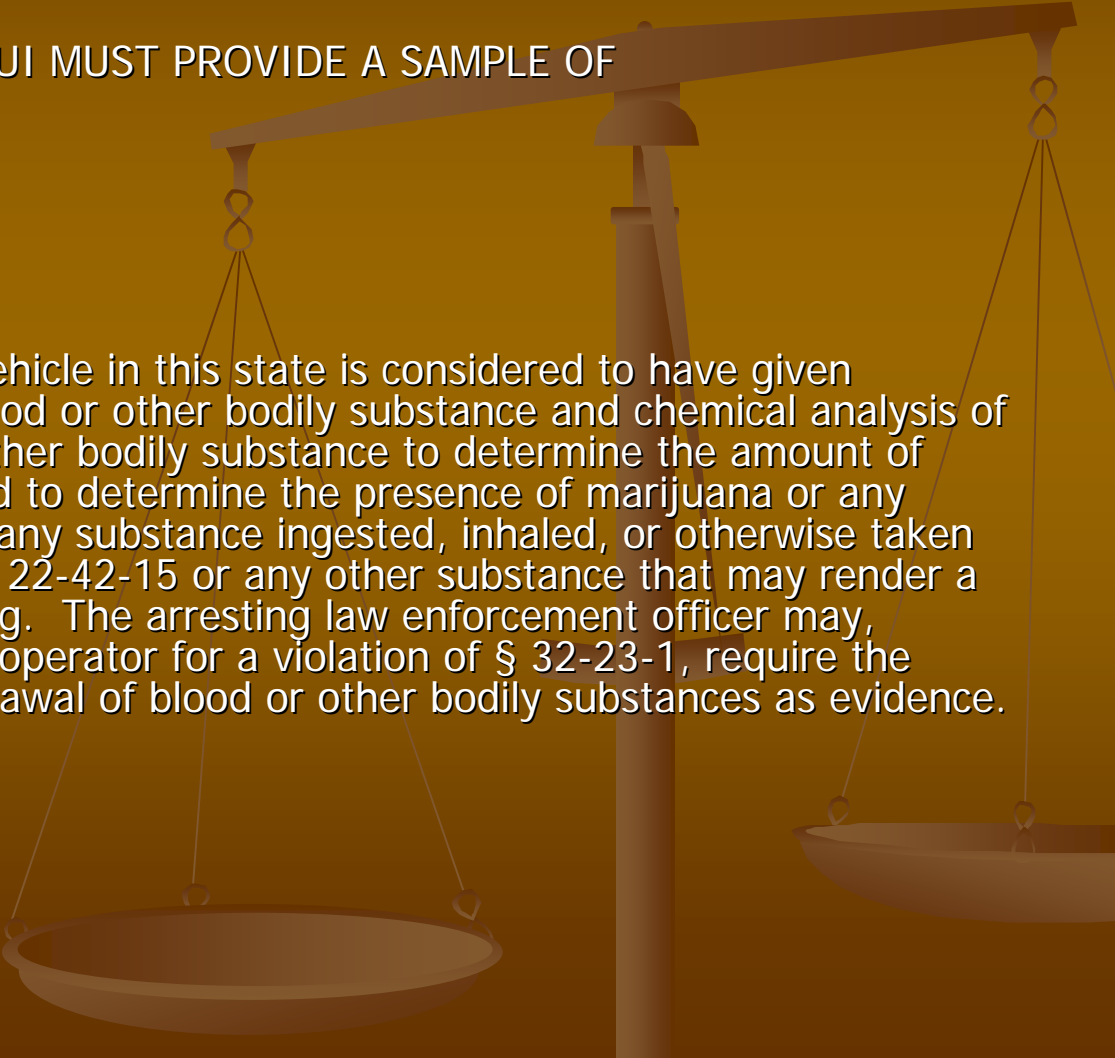
- SD DEPARTMENT OF PUBLIC SAFETY
- SD HIGHWAY PATROL
- SD SHERIFF'S ASSOCIATION
- SD CHIEF'S OF POLICE ASSOCIATION
- SD STATE ATTORNEY'S ASSOCIATION
- SD ATTORNEY GENERAL'S OFFICE
- FORMER CHIEF OF SD HIGHWAY PATROL
- FORMER SD STATE'S ATTORNEYS



2006 LEGISLATIVE SESSION

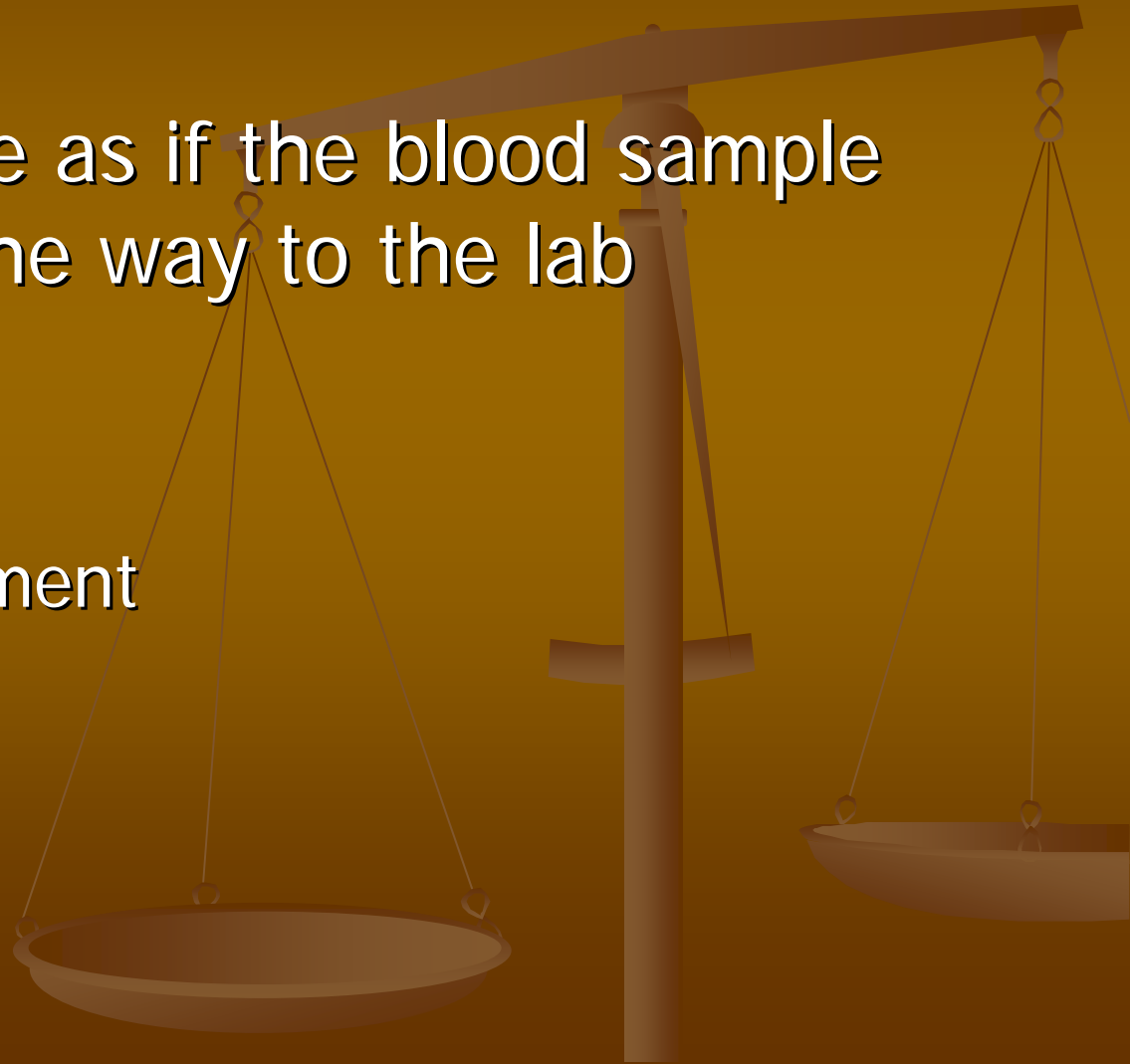
- NO RIGHT TO REFUSE
- ANY PERSON ARRESTED FOR DUI MUST PROVIDE A SAMPLE OF
 - BLOOD
 - BREATH
 - URINE
- SDCL 32-23-10

Any person who operates any vehicle in this state is considered to have given consent to the withdrawal of blood or other bodily substance and chemical analysis of the person's blood, breath, or other bodily substance to determine the amount of alcohol in the person's blood and to determine the presence of marijuana or any controlled drug or substance or any substance ingested, inhaled, or otherwise taken into the body as prohibited by § 22-42-15 or any other substance that may render a person incapable of safely driving. The arresting law enforcement officer may, subsequent to the arrest of any operator for a violation of § 32-23-1, require the operator to submit to the withdrawal of blood or other bodily substances as evidence.



DUI Process

- Uniformity
- Treat every case as if the blood sample will be lost on the way to the lab
 - SFSTs
 - PBT
 - Revised advisement



DUI Advisement Card

- I have arrested you for a violation of SDCL 32-23-1.
- Any Person who operates any vehicle in this state has consented to the withdrawal of blood or other bodily substance and chemical analysis.
- I require that you submit to the withdrawal of your _____ (blood, breath, bodily substance).
- You have the right to an additional chemical analysis by a technician of your own choosing, at your own expense.
- Defendant _____
- Date _____ 20____ Time _____ Am _____ PM _____
- Officer _____
- The above is read by law enforcement to anyone arrested for Driving Under the Influence in South Dakota. This applies to both those arrested for driving under the influence of alcohol, or drugs.

2009 Vision Safe Drive Conference

- DUI Volume in SD
 - 2004
 - 9,049 Total Filings
 - 2008
 - 11,029 Total Filings
 - Between 2004 – 2008
 - Increase of 1,980 (22%)



2009 Vision Safe Drive Conference

■ Acquittals

- 2004 – 73 Trials
 - 22 Acquittals
- 2005 – 78 Trials
 - 21 Acquittals
- 2006 – 76 Trials
 - 19 Acquittals
- 2007 – 58 Trials
 - 12 Acquittals
- 2008 – 81 Trials
 - 8 Acquittals



2009 Vision Safe Drive Conference

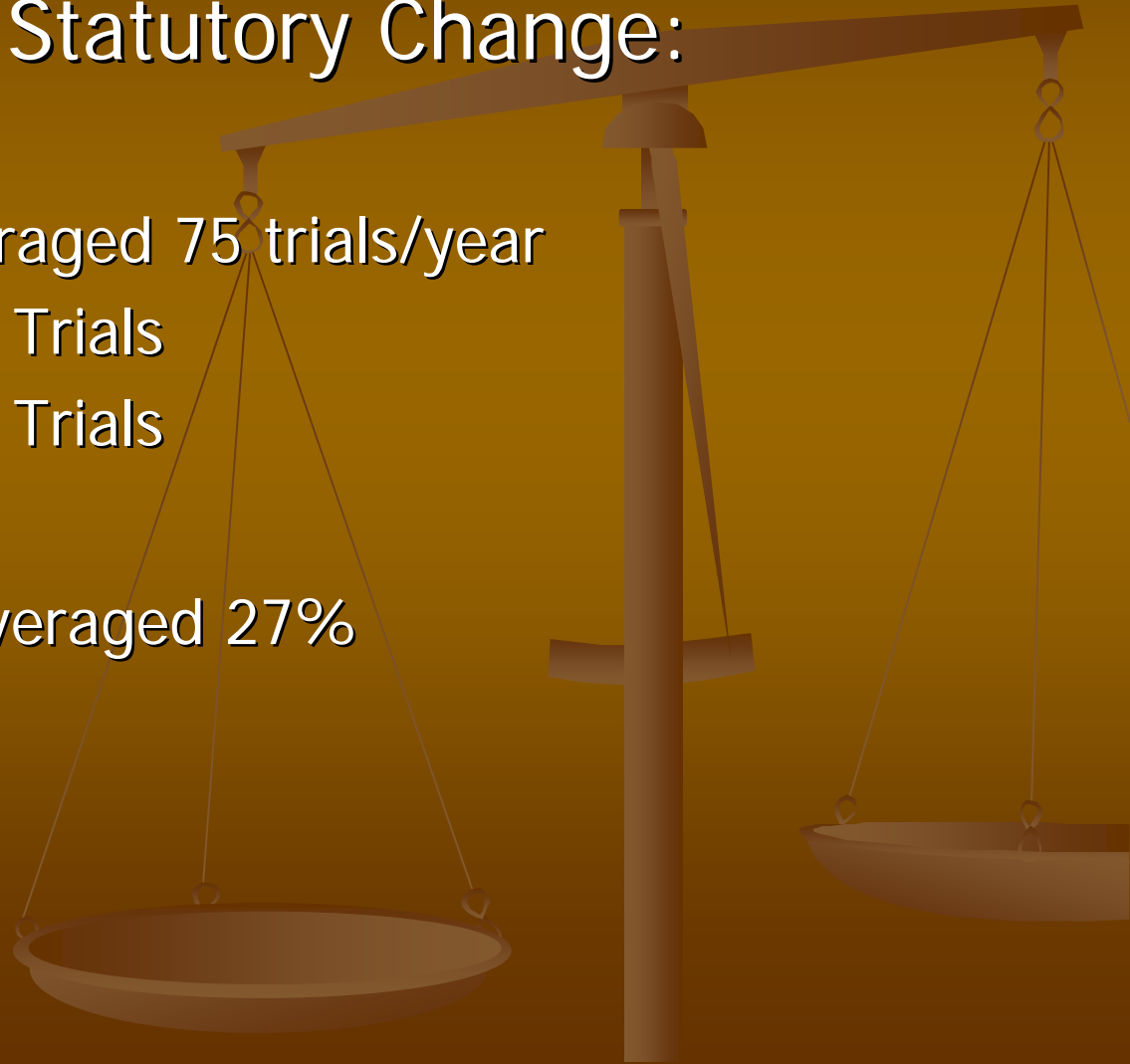
■ Impact of 2006 Statutory Change:

■ DUI Jury Trials

- 2004-2006 averaged 75 trials/year
- 2007 – 58 Jury Trials
- 2008 – 81 Jury Trials

■ Acquittal Rate

- 2004 – 2006 averaged 27%
- 2007 – 20%
- 2008 – 10%



Questions?

