

1 **DRIVING UNDER THE INFLUENCE**

2 **RESOLUTION**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Dana C. Love**

7 **LONG TITLE**

8 **General Description:**

9 This resolution of the House of Representatives urges state and local law enforcement
10 officers to arrange for blood alcohol content level tests for individuals suspected of
11 driving under the influence.

12 **Highlighted Provisions:**

13 This resolution:

14 ▶ recognizes legal precedent that allows law enforcement officers to arrange for blood
15 alcohol content level tests for individuals suspected of driving under the influence
16 despite their refusal to submit to the tests; and

17 ▶ urges Utah's local and state law enforcement officers to arrange for blood alcohol
18 tests for individuals suspected of driving under the influence despite their refusal to
19 submit to the tests.

20 **Special Clauses:**

21 None

23 *Be it resolved by the House of Representatives of the state of Utah:*

24 WHEREAS, driving under the influence continues to be a significant threat to the
25 public safety in Utah and throughout the United States;

26 WHEREAS, according to the First Annual DUI Report to the Utah Legislature, 14,491
27 DUI arrests were made in Utah in 2003;



28 WHEREAS, according to the same report, these arrests resulted in only 4,747
29 convictions;

30 WHEREAS, one of the factors contributing to the low conviction rate is the refusal of
31 individuals suspected of driving under the influence to submit to a blood alcohol content level
32 test;

33 WHEREAS, the First Annual DUI Report to the Utah Legislature also indicates that in
34 Utah in 2003, 1,850 individuals suspected of driving under the influence refused to submit to a
35 blood alcohol content level test;

36 WHEREAS, court precedent in California and the United States Supreme Court affirms
37 the rights of law enforcement officers to require an individual suspected of driving under the
38 influence to submit to a blood alcohol content level test; and

39 WHEREAS, requiring the test will provide the evidence necessary to pursue many
40 more convictions for driving under the influence:

41 NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the
42 state of Utah urge local and state law enforcement officers in the state to require that
43 individuals suspected of driving under the influence submit to a blood alcohol content level
44 test.

45 BE IT FURTHER RESOLVED that a copy of this resolution be sent to each law
46 enforcement agency in the state of Utah.

Legislative Review Note
as of 1-26-04 6:50 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HR0007

Driving Under the Influence Resolution

03-Feb-04

10:11 AM

State Impact

Provisions of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst