

Representative Dana C. Love proposes the following substitute bill:

DRIVING UNDER THE INFLUENCE

RESOLUTION

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Dana C. Love

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

▶ urges state and local law enforcement and prosecution agencies to review the established law regarding the use of required evidence collection in driving under the influence cases;

▶ urges state and local law enforcement and prosecution agencies to develop rules, policies, and procedures for DUI cases that are in balance with the rights of an individual under the Constitution of the United States; and

▶ urges state and local law enforcement and prosecution agencies to offer consistent statewide training to law enforcement officers and prosecutors.

Special Clauses:

None

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



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

28 WHEREAS, according to the 2003 DUI Best Sentencing Practices Guidebook,
29 published by the Utah Sentencing Commission, judges should be aware of the Blood Alcohol
30 Content (BAC) before imposing sentence;

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

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

37 NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the
38 state of Utah urges state and local law enforcement and prosecution agencies to review the
39 established law regarding the use of required evidence collection in DUI cases and develop
40 rules, policies, and procedures in balance with the rights of an individual under the
41 Constitution of the United States.

42 BE IT FURTHER RESOLVED that the House of Representatives urges state and local
43 law enforcement and prosecution agencies to offer consistent statewide DUI training to law
44 enforcement officers and prosecutors.

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