

SENATE FILE NO. SF0059

DUI-mandatory hold upon arrest.

Sponsored by: Senator(s) Landen, Jennings, Perkins and Scott and Representative(s) Brechtel, Cohee, Edwards, Gilmore, Hales and Lockhart

A BILL

for

1 AN ACT relating to driving under the influence; requiring a
2 person suspected of driving while under the influence of
3 alcohol to be arrested and detained as specified; and
4 providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 31-5-233 by creating a new subsection
9 (n) is amended to read:

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11 **31-5-233. Driving or having control of vehicle while**
12 **under influence of intoxicating liquor or controlled**
13 **substances; penalties.**

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15 (n) When a person is arrested for driving or being in
16 actual physical control of a motor vehicle upon a public

1 street or highway in violation of W.S. 31-5-233(b) or any
2 other law prohibiting driving under the influence as
3 defined by W.S. 31-5-233(a)(v), the peace officer may
4 require a test for alcohol concentration pursuant to W.S.
5 31-6-102. If the test is taken and the results indicate
6 that the person has an alcohol concentration of more than
7 eight one-hundredths of one percent (0.08%), or if the
8 peace officer has probable cause to believe the person is
9 incapable of safely driving under paragraph (b)(ii) of this
10 section, the peace officer may immediately place the person
11 under arrest and the person shall not be released from
12 detention until the person posts bond and, if not seen by a
13 judge in person, takes another test, which shall be
14 presumptive, and the results indicate that the person has
15 an alcohol concentration of two one-hundredths of one
16 percent (0.02%) or less. If the person is seen in person by
17 the judge, the judge may allow release of the person on
18 such conditions as the judge may require. If the person
19 refuses to submit to testing under W.S. 31-7-102, the
20 officer shall advise the person that, in addition to the
21 penalties provided under W.S. 31-6-107, he will be arrested
22 and held until he submits to a test, which shall be
23 presumptive, and the results indicate that the person has
24 an alcohol concentration of two one-hundredths of one

1 percent (0.02%) or less. A person arrested and held under
2 this subsection shall be tested for alcohol concentration
3 at intervals of not more than one (1) hour until the person
4 is released.

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6 **Section 2.** This act is effective July 1, 2008.

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8

(END)