

Birchfield v. North Dakota



Implied
Consent
Laws



Testing



Penalties
for
refusal



<p>Birchfield [North Dakota]</p>	<p>Bernard [Minnesota]</p>	<p>Beylund [North Dakota]</p>
<p>Gave a roadside breath test (preliminary screening test)</p> <p>Convicted for refusal to permit blood draw</p>	<p>Convicted for failing to submit to a breath test</p>	<p>Agreed to have his blood drawn and analyzed.</p>
<p>Argued the 4th Amendment prohibited criminalizing refusal to submit to a test</p>	<p>Argued warrantless breath test violated the 4th Amendment</p>	<p>Argued his consent was coerced because refusal was a crime</p>



The taking of a blood sample or the administration of a breath test is a search.



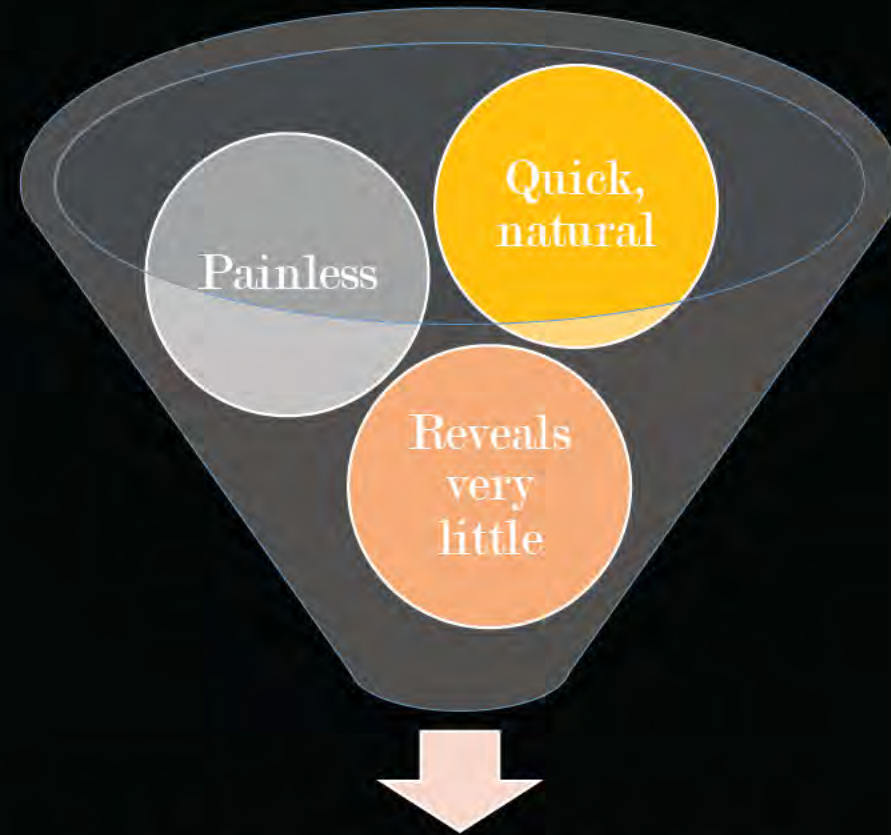
The 4th Amendment prohibits against unreasonable searches.



Normally a warrant is required for a search, but there are warrantless exceptions.

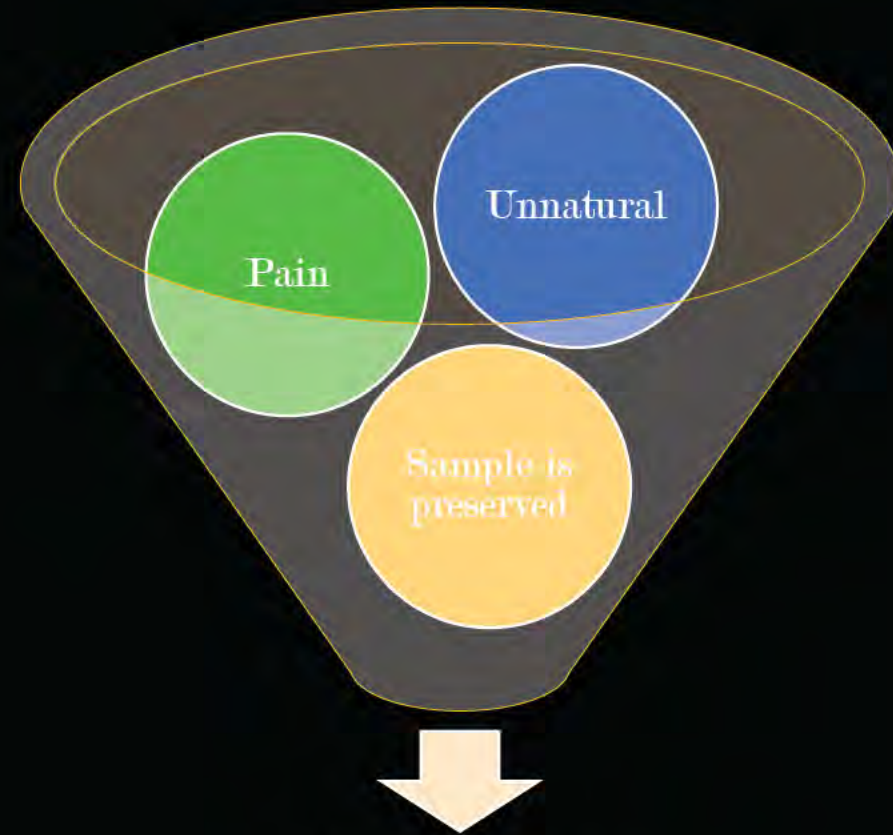
	Blood Test	Breath Test
Exigency	Case specific	Case specific
Search-incident-to-arrest	How much does it intrude upon an individual's privacy?	How much does it intrude upon an individual's privacy?

Breath Tests



Minimally Invasive

Blood Tests



Intrusive

	Blood Test	Breath Test
Exigency	Case specific	Case specific
Search-incident-to-arrest	Reasonableness must be judged in light of the availability of less invasive alternative breath test	Permitted

Justice Sotomayor

Concurring in part (blood test) and dissenting in part (breath test) – [Joined by Justice Ginsburg]

“Because no governmental interest categorically makes it impractical for an officer to obtain a warrant before measuring a driver’s alcohol level, the Fourth Amendment prohibits such searches without a warrant, unless exigent circumstances exist in a particular case.”





Protecting
the public
from drunk
drivers



Prevention of
destruction of
evidence



Minimizes
costs



Convenience?

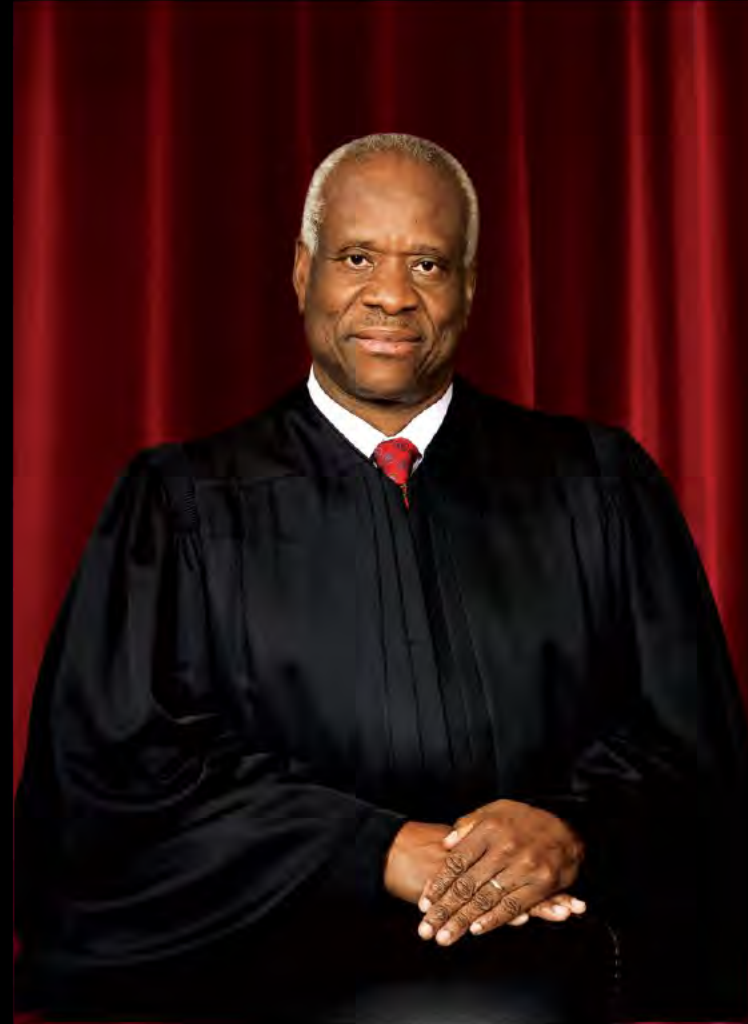


Ample tools
to force
compliance
with lawfully
obtained
warrants

Justice Thomas

Concurring in part and dissenting in part

Per se rule that both warrantless breath and blood tests are constitutional because the natural metabolization of BAC creates an exigency once police have probable cause to believe the driver is drunk.



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<p><u>Reversed</u> – North Dakota failed to present an case-specific information to suggest the exigent circumstances exception would have justified a warrantless search.</p>	<p>Breath tests permitted – conviction <u>affirmed</u></p>	<p><u>Remanded</u> to lower court to view consent under totality of the circumstances</p>