

1979 WL 42868 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 16, 1979

*1 Preston H. Callison, Esquire
Attorney at Law
P. O. Box 1209
Columbia, SC 29202

Dear Preston:

I am enclosing a copy of the letter which I wrote to Donnie Myers as you have requested. Although there are different interpretations which could be put upon the wording of [Section 56-5-2950 of the Code](#), it is still my personal opinion that in view of the Legislature's refusal to make breathalyzer tests mandatory even though such was advocated by the Attorney General and SLED that that in itself conveys the intention that no chemical test could be administered without consent. Law enforcement officers would be wiser not to force an individual to undergo such test.

With kind regards.

Yours very truly,

Emmet H. Clair
Deputy Attorney General

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