

1973 WL 26608 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 12, 1973

***1 In re: Blood Samples of Accident Victims Taken for Analysis**

Colonel P. F. Thompson
Commanding Officer
State Highway Patrol
Post Office Box 191
Columbia, South Carolina 29202

Attention: Captain Jack Timmerman

Dear Colonel Thompson:

Recently, attorneys for the hospital association have advised association members against the taking of blood samples of wreck victims at the direction of law enforcement officers for the purpose of analysis for alcohol or drug content.

Although such an attitude on the part of hospitals seems somewhat over-cautious in view of the ruling of the United States Supreme Court in [Schmerber v. California](#), 384 U.S. 757, recently cited with approval in [United States v. Dionisio](#), recently cited with approval in [United States v. Dionisio](#), present no legal process by which law enforcement officers can require that such blood samples be taken.

In view of the importance to law enforcement of such blood sampling under proper clinical conditions, you might be interested in submitting the enclosed proposed bill to the Highway Committee.

Sincerely,

Joseph C. Coleman
Deputy Attorney General

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