

14-1470 BERNARD V. MINNESOTA

DECISION BELOW: 859 N.W.2d 762

LOWER COURT CASE NUMBER: A13-1245

QUESTION PRESENTED:

Minnesota law makes it a criminal offense for a person who has been arrested for driving while impaired to refuse to submit to a chemical test of the person's blood, breath, or urine to detect the presence of alcohol. Although the State acknowledges that such tests do not serve the purposes of officer safety or evidence preservation, a divided Minnesota Supreme Court held that a person may be compelled to submit to a warrantless breath test as a "search incident to arrest." From that starting point, the court held that the State may make refusal to submit to such a test a criminal offense. The question presented is:

Whether, in the absence of a warrant, a State may make it a crime for a person to refuse to take a chemical test to detect the presence of alcohol in the person's blood.

CONSOLIDATED WITH 14-1468 AND 14-1507 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 12/11/2015