14-1468 BIRCHFIELD V. NORTH DAKOTA

DECISION BELOW: 858 N.W.2d 302

LOWER COURT CASE NUMBER: 20140109

QUESTION PRESENTED:

North Dakota law makes it a criminal offense for a motorist who has been arrested for driving under the influence to refuse to submit to a chemical test of the person's blood, breath, or urine to detect the presence of alcohol. The Supreme Court of North Dakota held that the State may criminalize *any* refusal by a motorist to submit to such a test, even if a warrant has not been obtained. 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 14-1470 AND 14-1507 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 12/11/2015