



## Birchfield v. North Dakota, 136 S.Ct. 2160, 2167 (2016)

North Dakota's law instituting breathalyzer tests to catch drunk drivers was challenged on Fourth Amendment grounds. On review, the Court held that the Fourth Amendment permitted warrantless breath tests incident to arrests for drunk driving as the impact of breath tests on privacy was slight, and the need for blood alcohol concentration testing was great. Also because breath tests were significantly less intrusive than blood tests and in most cases amply served law enforcement interests, a breath test, but not a blood test, could be administered as a search incident to a lawful arrest for drunk driving.

### **In Its Reasoning, the Court Provided**

The 1930's saw a continued rise in the number of motor vehicles on the roads, an end to Prohibition, and not coincidentally an increased interest in combating the growing problem of drunk driving. The American Medical Association and the National Safety Council set up committees to study the problem and ultimately concluded that a driver with a BAC of 0.15% or higher could be presumed to be inebriated.