

TESTIMONY OF
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Maryland Senate Judicial Proceedings Committee
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Good afternoon Chairman Smith, Vice Chairman Waldstreicher and distinguished members of the committee. Thank you for the opportunity to testify in support of **Maryland Senate Bill 870**. My name is Dr. Benjamin Nordstrom and I am the Executive Director of The Foundation for Advancing Alcohol Responsibility (Responsibility.org). We are a national not-for-profit that leads the fight to eliminate drunk driving and underage drinking and is funded by the following distillers: Bacardi U.S.A., Beam Suntory; Brown-Forman; Constellation Brands, Inc; DIAGEO; Edrington; Mast-Jägermeister US, Inc., Moët Hennessy USA; and Pernod Ricard USA. To learn more, visit www.responsibility.org.

We applaud the Maryland legislature for passing Noah’s Law in 2016. However, it passed with a loophole that you have the chance to fix with SB 870 which would mandate the use of interlocks for probation before judgement (PBJ). Maryland has one of the most robust ignition interlock programs in the nation, but it has a serious flaw with this loophole because approximately 43% of the people arrested for DUI receive PBJ as shown on this chart from the most recent [status report](#) on ignition interlocks in Maryland.

TABLE 4: IMPAIRED DRIVING CITATION DISPOSITIONS BY OFFENSE TYPE AND YEAR, CY 2013-2017

	2013	2014	2015	2016	2017*
§21-902(a) Driving Under the Influence of Alcohol					
Guilty	3,241	2,944	2,519	2,297	1,729
PBJ	5,625	5,215	4,442	4,410	3,509
Other Disposition	4,345	4,605	4,736	4,057	3,879
§21-902(b) Driving While Impaired by Alcohol					
Guilty	3,176	2,969	2,636	2,395	1,899
PBJ	5,398	5,368	5,010	4,624	3,810
Other Disposition	756	851	581	482	451
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol					
Guilty	211	212	207	299	205
PBJ	227	237	252	288	246
Other Disposition	500	513	526	588	438
§21-902(d) Driving While Impaired by Controlled Dangerous Substance					
Guilty	144	97	110	130	136
PBJ	102	80	67	105	97
Other Disposition	201	225	223	219	227

*Source: National Study Center for Trauma and Emergency Medical Systems at the University of Maryland School of Medicine, based on District Court of Maryland Data. Year reflects the dates the citations were issued, not the dates of disposition. *Due to long timelines between arrest and disposition, some citations issued in 2017 may not yet be disposed and so not reflected in these data.*

On behalf of Responsibility.org, I urge your passage of SB 870 this year. The CEO of Responsibility.org and the Distilled Spirits Council of the United States testified in support of the House companion bill yesterday. We are proud to be among the many supporters of this legislation.

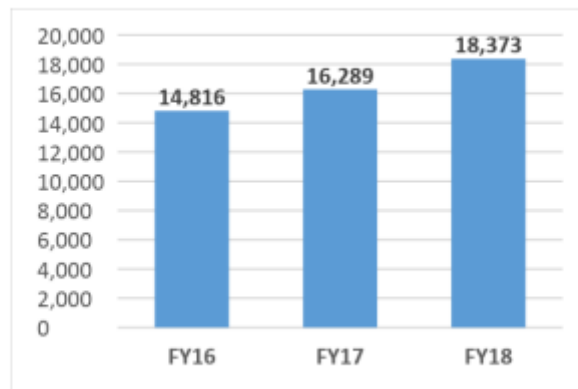
Recently I attended District Court in Montgomery County with Noah’s father, Rich Leotta. Among the 15-18 DUI cases we saw that morning, many defendants didn’t show up for their court dates, several others received continuances, five pled guilty and received PBJ and of those, only three were sentenced to install ignition interlocks.

Repeat DUI offenders have told Mr. Leotta the reason they continued to drive impaired is because they were treated with leniency. In a survey conducted by our organization in 2006, respondents gave a very similar response: 81% of the repeat DUI offenders surveyed said they would have been very likely or somewhat likely to stop driving drunk if more severe sanctions had been applied.



The first DUI is a chance to change behavior. We know that interlocks work while they are on the vehicle and we know that during the interlock timeframe, it’s ideal for offenders to receive screening and assessment – and if indicated – treatment. For this law to have a significant lifesaving impact, these interlock devices must be utilized, and the laws must be enforced within the criminal justice system. The good news is the percentage of drivers in the program increased with the implementation of Noah’s Law.

FIGURE 9: INTERLOCK PROGRAM ANNUAL PARTICIPATION (UNIQUE PARTICIPANTS), FY2016 - FY2018



Source: MDOT MVA Document Imaging and Workflow System (DIWS)

But Maryland can do better by mandating interlocks for offenders who plead guilty to DUI and receive PBJ.

The passage of interlock laws saves lives. As detailed in Responsibility.org's [position statement](#) in support of mandatory ignition interlocks for all DUI offenders, ignition interlocks are one of the most effective countermeasures to prevent drunk driving.

A study by Kaufman and Wiebe (2016) examined the impact that the passage of all offender interlock laws had on alcohol-involved crashes in 18 states. The authors found that requiring all drivers convicted of DUI to install an interlock was associated with a 15% reduction in the rate of alcohol-involved crash deaths; this translates into an **estimated 915 lives saved**. A more recent examination of the effects of state interlock laws on alcohol-involved fatal crashes in the U.S. found that interlocks may reduce the occurrence of these crashes (McGinty et al., 2017). State laws that require interlocks for all DUI offenders were associated with a 7% decrease in the rate of fatal crashes involving a driver above the legal limit (.08) and an 8% decrease in the rate of fatal crashes involving a high-BAC (>.15) driver. This translates into preventing an **estimated 1,250 fatal drunk driving crashes**.

This technology is most effective when utilized in conjunction with assessment, treatment, and supervision. It is essential that effective screening for alcohol, drugs, and mental health issues be conducted with DUI offenders in tandem with an interlock sanction to identify those offenders who have substance use and mental health disorders. Research shows that repeat DUI offenders often suffer from multiple disorders. Absent effective identification and treatment of these issues, long-term behavior change is unlikely for these offenders. To prevent repeat DUI and to save lives, the underlying causes of DUI offending must be addressed.

Responsibility.org and the Division on Addiction at Cambridge Health Alliance, a teaching affiliate of Harvard Medical School, launched the [Computerized Assessment and Referral System](#), (CARS). This revolutionary screening and assessment instrument generates immediate diagnostic reports that contain information about an offender's mental health and substance use issues, a summary of risk factors, and provides referrals to nearby treatment services. CARS is available for **free** download at <http://www.carstrainingcenter.org>. We hope this project will help states better identify, sentence, supervise, and treat impaired drivers.

Finally, of all the court costs an offender must pay, ignition interlocks should be the highest priority. These devices cost about \$150 to install and about \$2 a day. Many defendants find financial resources to retain defense counsel and, upon pleading guilty, are assessed numerous fees. The ignition interlock cost should be the most important expense for them to bear because it is the only fee that will also save lives—perhaps their own— and protect the public as the impaired driver is prevented from repeating DUI behavior while it is on the vehicle.

Responsibility.org believes that strong laws and the combination of enforcement and effective treatment are fundamental elements necessary to reduce the incidence of impaired driving. **We urge you to pass Senate Bill 870 which will save lives in Maryland.**

Thank you.