

Maryland Senate Judiciary Committee
Written Testimony on SB 585

Dear Senator Simonaire, I was recently made aware of SB 585 Boating Accidents - Duty to Remain at the Scene, Render Assistance, and Provide Information - Penalties by a former employee of Chesapeake Region Accessible Boating (CRAB) who lost her mother Laura Slattery in a boating accident.

This was not an accident in the truest sense of the definition. The owner of the boat testified in court that he had been drinking and was operating the boat at an unsafe speed, in a congested area of the channel at night. After going to trial, which I observed, the defendant was asked by the prosecutor why he left the scene of the accident. His response was, "No harm no foul." The defendant had been told by the husband of Laura Slattery that he had killed his wife after pushing the defendant's boat off of her body.

For drinking and driving a boat in an unsafe manner while drinking, killing a woman, and leaving the scene of the accident the defendant was given a sentence of less than 3 years in jail. This is a debacle of law and a travesty to humanity!

There is no justifiable reason for state laws to differentiate between the operation of a boat and a car when drinking.

A second incident last year involved another CRAB employee who was sitting in his boat on the Severn River with 5 other people watching the night sky. He had his anchor light on as required by law. He was hit by a boater who had been drinking

and chose to leave the scene. Fortunately, no one was killed, several were injured, and his boat was totaled. Since the boat operator was coming from a yacht club, it would have been easy to determine by his bar bill how much he had been drinking. But, DNR dropped the charges for drinking and driving since they had no evidence at the time of the accident.

Why do boat operators leave the scene of an accident? Because they have been drinking. The common fact about both of these accidents was that the boat operators left the scene because they did not want to be charged with a DUI by the police. In both cases, the boat operators were either caught by DNR Police or turned themselves in weeks or days following the accidents. In both cases, neither was charged with operating a boat while drinking or legally drunk. There is no logical reason for this discrepancy that has resulted in boat operators getting off being charged with a DUI in an accident resulting in a murder, simply by leaving the scene of the accident.

For this reason, I strongly believe that SB 585 inadequately addresses the discrepancy in the law for operating a vessel on the water while drinking. I also concur with DNR's recommended amendments to SB 585 to require that a boat operator in an accident remain on the site until DNR arrives to make an accident report. Any boat operator can make a radio call on Channel 16 to the US Coast Guard and a response will be made by USCG or DNR immediately.

The logic behind not allowing an accident report taken by DNR to be admissible in court is another revision to the bill that needs to be addressed. The accident report should definitely be

allowed as admissible evidence in a legal proceeding as it would be for a vehicle accident. Why the discrepancy is allowed is incomprehensible.

I thank you for the opportunity to provide this testimony in support of SB 585 with the appropriate amendments to address the important issues I have raised. In addition, this law should be named, "Laura's Law" in memory of Laura Slattery who was a beautiful wife, mother and grandmother to her family.

I am happy to address any of these issues in more detail with your staff.

Respectfully,
Paul Bollinger

Paul P. Bollinger Jr
1109 Miami Avenue
Annapolis, MD 21403
703.623.4097
paulbollingerjr@gmail.com