

# Maryland Criminal Defense Attorney's Association



## Maryland Senate Judicial Proceedings Committee

February 27 2020 1pm

### Hearing on SB 0870 “Drunk Driving – Ignition Interlock”

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## MCDAA POSITION: OPPOSE

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**Bill explanation:** This bill expands mandatory participation in the Maryland Interlock Ignition System Program (IISP) to include (1) an individual who is granted probation before judgment (PBJ) for driving while under the influence of alcohol or under the influence of alcohol per se, including for an offense committed while transporting a minor, and (2) an individual who is convicted of or granted PBJ for driving while impaired by alcohol, including for an offense committed while transporting a minor (under current law, with respect to impaired driving, participation is mandatory only for an individual convicted of committing an offense while transporting a minor younger than age 16).

**Opposition Reasoning:** This legislation imposes mandatory Interlock use, and eliminates the discretion of the judge hearing the facts of the case. The MCDAA opposes mandatory penalties that remove the discretion of the triers of fact in our courts. Our judges preside over cases to use their discretion to craft appropriate sanctions for defendants based on the circumstances and facts on each individual case. Mandatory penalties remove this discretion, and can have unintended effects that are inappropriate for the individual case before the judge.

For additional information or questions regarding this legislation, please contact MCDAA legislative chair: Andrew Jezic, 301.742.7470 [avjezic@aol.com](mailto:avjezic@aol.com) or our Government Relations Contacts: Alan Drew 240.856.2607 [da4617@gmail.com](mailto:da4617@gmail.com) and John Giannetti 410.300.6393, [JohnGiannetti.mcdaa@gmail.com](mailto:JohnGiannetti.mcdaa@gmail.com)