

AAA_FAV_SB0870

Uploaded by: Ali, Ragina

Position: FAV



AAA Mid-Atlantic's Testimony in SUPPORT of SB 870 Drunk Driving Offenses – Ignition Interlock System Program

Sponsor: Senator Waldstreicher

- AAA Mid-Atlantic **supports SB 870** which closes a loop hole in Noah's Law. The bill mandates participation in the Maryland Interlock Ignition System Program (IISP) for those 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. The legislation also applies to an offender convicted of or granted PBJ for driving while impaired by alcohol, including for an offense committed while transporting a minor.
- This technical change to the current IISP Program is critical to safety on our roadways.
- In spite of all the strides, drunk driving continues to plague our nation and the state of Maryland, despite being a totally preventable crime.
- According to data from the National Highway Traffic Safety Administration (NHTSA), nationally the percentage of highway fatalities associated with alcohol impairment has hovered at approximately 30% from 1995 through 2018.
- In 2018, the latest year for which national data is available, there were 36,560 traffic fatalities nationally and 10,511 of those fatalities, or 29%, involved a driver with a BAC of 0.08 or higher. For the same period in Maryland, out of a total of 501 traffic fatalities, 122, or 24%, involved a driver with a BAC of 0.08 or higher, a significant improvement over the prior year. (*Source: Fiscal and Policy Note – HB 952*)
- In a recent AAA Mid-Atlantic traffic safety poll, 24% of Maryland motorists indicated that drunk or drugged driving was their number one traffic safety concern.
- According to the *Maryland Task Force to Combat Driving Under the Influence of Drugs and Alcohol*, the use of ignition interlock systems has been shown to lead to long-lasting changes in driver behavior and the reduction of recidivism.
- The Task Force concluded that states which have extended required times for ignition interlock use for certain drunk driving offenses have experienced a 60 – 95% decrease in recidivism.
- Interlocks are no panacea, but they are another tool that, when used as part of a solution for drivers with persistent alcohol problems, can help keep them from driving after they have been drinking and, thus, save lives on Maryland roads.
- We respectfully thank this Committee for all you have done in the past to combat drunk driving and urge you to do even more by giving **SB 870** a favorable report.

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CaseyBrooks_FAV_SB870

Uploaded by: Brooks, Casey

Position: FAV

Testimony of Casey Brooks
In Support of SB870
February 27, 2020

My life before my father died was almost perfect. Even though my mom and dad split when I was young they kept a great relationship for me. I had always been a daddy's girl so that never changed, my dad was my best friend and he was a big influence on me. My dad worked hard, and for as long as I can remember he had been a cop. He worked long hours but always managed to pick me up from school any time he had the chance. He was always a big part of my life and made sure I did better than him; he pushed me to strive for excellence in everything I did in life. He became a substitute teacher when I was in elementary school just so he could be a part of my day when he could; he never missed a beat. He was there in every way he could possibly be, and for that I'm so thankful. He was by far the best father I could ever ask for. Long hours on the job never kept him away from his family and friends; family was very important to him. He was one of the most caring people anyone could have in their life, and if you knew him you knew exactly why. He had a gentle soul, a smile that would brighten up a room, and a laugh that would make you laugh. He truly had a gift at making people laugh, which is why he was so great at what he did. Before he died, I had everything I could ask for. He made sure he rewarded me for good grades; he always encouraged me to do my best in anything I did. He wanted the best for me as any dad would.

After my dad died, for a while I wasn't myself. I had lost one of the most influential people in my life and I didn't know how I would be able to move on. His life was cut short by a woman that had a previous DUI but carelessly continued to drink and drive. On NYE 2007 my dad along with several other police officers was setting out cones on I-95 to prevent trucks from getting into the downtown area during the celebrations. While the other officers took a break, my father continued to set out cones. The lady was at a bar downtown she had a couple of beers, a few shots and left the bar thinking she was in good condition to drive. As she was getting onto the highway she merged into the area my dad was in and struck and killed him; and with no hesitation she kept going. With her windshield shattered she never stopped to see if he was ok. He was rushed to shock trauma where he was pronounced dead at 12am New Year's morning. The driver that hit him, this was not her first offense, nor was it her second, or third. They estimated her BAC at the time of the crash to a 1.7- yes a 1.7. She was a professional. As my dad lay there dying, she drove home.

Life after has been very difficult. He has missed so many important milestones in my life (high school prom/Graduation, college graduation). There are still times I want to pick up the phone and call him, things I wish I could tell him and only he would understand. Jokes that to this day make me laugh that only he knew.

It has been 12 years since my dad passed away, and there's still not a day that goes by that I don't think about him. My brother and sister were really young at the time, so I hurt for them because they did not get as much time with him as I did. I will never hear his laugh again or see his smile. And what hurts the most is that this could have all been prevented. Innocent lives are taken every day because of this careless act and at some point we have to make the consequences severe enough that people will think twice before they drink and drive. I have done many things to heal this pain and to make my dad proud but ultimately I still wish he was here every day.

I ask you to please, please pass SB870, please pass the fix to Noah's Law. **Maybe, just maybe had she had an interlock from her conviction 3 months before she killed my dad, he'd still be here.**

VictoriaBrown_FAV_SB870

Uploaded by: Brown, Vickie

Position: FAV

Written Testimony of Victoria Brown
In Support of SB870
February 27, 2020

My name is Victoria Brown, and I want to tell the story of my son Darius J. Brown. When he was 12 years old his life was taken by a drunk driver and my life has never been the same. On May 30th, 2004, my family and I were coming home from a Drive-in-Movie in Chase Maryland when we were struck on 895 in the middle of the night by a drunk driver going the speed in between 100-125mph. Our vehicle did a couple of 360s and we spun over a few times and landed in the middle of a median. My husband, daughter and I sustained only minimal injuries along with my son's best friend. My son Darius was the only one in the car killed on impact.

Darius was the most giving, loving, and compassionate boy that you would've ever met. He was kind and caring, intelligent and smart beyond his years. When he was in the 2nd grade he and five other students were enrolled in a program called BOOST at their elementary school. In this program they worked on science and math on a higher level, and because they were so smart, they also took courses at the community college two-nights a week in those same subjects. The intent was to prepare them to graduate high school a lot earlier than expected.

Darius was a stellar athlete. Not just on the field but off as well, one day after practice he got into the car and didn't have on his cleats and when I asked where his cleats were, he said he had given them to someone who needed them because they didn't have any. "Mommy I knew you would buy me a new pair and he needed them." Is what he told me, that only goes to show half of the compassion Darius gave.

God blessed me with not only Darius but my daughter Aaliyah too. And Darius was the best big brother to Aaliyah that any mother could witness for her two children. Darius's caring and loving nature was shown mostly at home. There wasn't a moment I didn't hear the two of them laughing and playing together. A sound I'll never forget, that always feeds my soul. Darius loved to read to his baby sister, feed and play with her. He always knew to protect her and to this day watches over her. His love for his baby sister was unmatched.

In conclusion, I honor Darius every time I speak his name and tell his story, so I fight this fight not only for Darius but for all victims. And in truth, I am Darius's voice because his was taken by a drunk driver. I know in hearts of all hearts by passing this legislation that this act is preventable and can save lives.

Thank you,

Victoria Brown

BaltimoreCounty_FAV_SB870

Uploaded by: Byrne, Julia

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Chief Legislative Officer

KIMBERLY S. ROUTSON
Deputy Legislative Officer

JOEL N. BELLER
Assistant Legislative Officer

BILL NO.: **SB 870**

TITLE: **Drunk Driving Offenses – Ignition Interlock System Program**

SPONSOR: **Senator Waldstreicher**

COMMITTEE: **Judicial Proceedings**

POSITION: **SUPPORT**

DATE: **February 27, 2020**

Baltimore County **SUPPORTS** Senate Bill 870 – Drunk Driving Offenses – Ignition Interlock System Program. This legislation would require the Motor Vehicle Administration to mandate that persons convicted or on probation for driving under the influence must use the ignition interlock system.

Ignition interlock systems—a breathalyzer installed in a car—prevent an individual who is intoxicated or under the influence of drugs from driving. According to the Maryland Highway Safety Plan’s 2018 statistics, one in three fatal crashes involved a drunk driver. Young drivers are at a particularly high risk. If implemented, SB 870 would lead to fewer impaired drivers on the road, and therefore fewer fatalities and injuries. Drunk driving destroys lives every day—this is a chance to prevent further tragedies.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 870. For more information, please contact Chuck Conner, Chief Legislative Officer, 443-900-6582.

Paula&JerryCelentano_FAV_SB870

Uploaded by: Celentano, Paula & Jerry

Position: FAV

Paula & Jerry Celentano Testimony
in Support of SB870
February 27, 2020



Alisa Marie Celentano

On December 2, 2001, at 11:58 am, our 18-year-old daughter, Alisa was pronounced dead at University of Maryland Shock Trauma Center. This was the day our worst nightmare became a reality. It was neither the beginning nor the end of our story.

Alisa was born on August 13, 1983. She was my first born and absolutely perfect in every way. She was a normal child, strong-willed and bubbly, full of smiles and a friend to everyone. She loved little kids and wanted to be a social worker. She loved the color green and frogs. She was the light of our life.

On Friday, November 30, 2001, Alisa was out with some friends. The 7 teenagers were driving in a minivan when they were hit nearly head-on when a 27-year-old man driving a full sized pickup truck crossed the center line and came into their lane. The driver of the van tried to avoid the crash by turning the van towards the right, which exposed the driver's side of the van. Alisa was sitting behind the driver. The crash was estimated at 95 mph (with combined speeds of the vehicles). All 7 young people sustained some injury. Alisa's was most severe. She had to be resuscitated at the scene.

We received a call at about 11:40pm from one of Alisa's friends that she had been in a crash and was being flown to Shock Trauma. I'm not sure how we got there, but we beat the helicopter. We waited from midnight until 4am to hear something...anything about our beautiful girl. The news was not good. We were pulled aside and told that Alisa had suffered trauma to the left side of her body. Her arm and leg were broken, she had several facial fractures and possibly a broken vertebrae. All of this seemed bad, but not fatal.....until the nurse continued. Alisa had also suffered a massive head injury. She was in a coma, unresponsive and not breathing on her own. When we asked what this all meant, the nurse looked at us and told us that she would probably die. WHAT???? I wished I hadn't asked...I wished that I could push the words back in her mouth!

And, so we waited by her side. I sang to her the songs she would remember and we never stopped telling her we loved her. For 36 hours we held her hand and stayed with her. Her friends came to the hospital in droves and her younger sister just stood there watching in shock. We all did!

Paula & Jerry Celentano
Testimony in Support of SB870
February 27, 2020

In keeping with Alisa's wishes, we donated her organs and corneas. She helped to save or improve the lives of 8 people she didn't even know. And they helped her to live on.

Our offender doesn't remember a thing. He awoke to the sounds of first responders cutting him out of his truck. He was taken to the hospital to get checked out and his blood was drawn. His BAC at 2 and ½ hours after the crash was .22. He had been coming home from a 6 hour "happy hour". And we found out that it wasn't his first! In April of that year, he had been arrested for drinking and driving, as well. He had gone to court at the end of October. His case was Stetted. Clearly, he didn't get the message. He got in his truck about a month later and killed our daughter and injured 6 others. He pled guilty and was sentenced to 10 years. 7 were immediately suspended and he ended up serving 23 months.

17 years have passed...seventeen years without our sweet girl. In December of this year, she will be gone longer than she lived. Our pain has dulled, but it will never go away. Certain things bring it back with too much clarity. A song, a holiday, an old friend, a picture. Parents should never have to bury their child!

I cannot say for sure, but I feel pretty certain that, had our offender been ordered to get the Interlock device put into his car after his first offense....the one where no one was injured, our daughter would be alive today. This legislation just makes sense. Close the gaps, close the loopholes. The only thing this device does is prevent a driver from drinking and driving. A small price to pay to save someone else's child.

Thank you,
Jerry and Paula Celentano
825 Cedar Brand Drive
Glen Burnie, Maryland 21061

JackiCosner_FAV_SB870

Uploaded by: Cosner, Jackie

Position: FAV

Jacki Cosner
In Support of SB870
February 27, 2020

My name is Jacki Cosner and I am here today representing my daughter and son in law, Kayla and Daniel Amos. On February 14th, 2016 they went out to celebrate 6 months of pure happiness and love. A day full of remembering the first half of their first year of marriage and planning the future. They were just 21/20 yrs old and looking forward to revisiting the plans they had put on hold till just the right time. Kayla had just graduated from Liberty University Magna Cum Laude with a 4 yr degree she earned in 2 yrs with determination. Determination to start a life with Dan as soon as possible. Dan was pursuing his dreams and worked on the Arts worship Team at Chesapeake Church. But on February 14th Dan and Kayla did not come home. Their lives were taken and in just the beginning of a future filled with love from family, friends, each other and God above all. February 14, 2016, someone made a repeat decision that ended their lives.

After a night of indulging and no sleep, this person made the decision to drive and ended up hitting my children in a head on collision. Their car was flipped and both trapped. Dan died at the scene and Kayla was flown out. After finally making the 2 hr drive to Baltimore, we were pulled into a little room and told her injuries were not survivable. Severe brain trauma was the main injury and only medical science was keeping her alive. Nurses took us to her room and several hours later we made the decision to give her hand back to Dan just as we had done just 6 months earlier. Our world completely shattered and their future ended by someone that had an offenses in December, one in January and finally our tragedy in February. With basically slaps on the wrists, the impact was not effective enough to make her think twice about getting behind a 5000 lb weapon.

All of us miss their positive spirits and the way they lit up a room with smiles and giggles. As their parents we are blessed to hear people continuing to say, "I am striving to be more understanding, more compassionate, more patient, more kind, more rooted in my faith. I am striving to be more like Dan and Kayla." Dan always said, "Together or not at all." His motto for life and it has become our mantra as well. This is going to be a long and painful journey still, but through it all, our biggest hope it that Dan and Kayla's story continues to touch people's lives and that their mission of reaching people through Christ flourishes. We also hope that their story can help others here and now and prevent more heartache for other families.

Today I am asking that you made the amendment to Noah's Law so that the personal decision is no longer in question. The driver that killed my children was asked on February 12th if she had killed anyone yet because the friend knew she was not making good decision. Even that was not a deterrent. Its time to do the right thing. The needed thing. The "must" thing. Its time to save lives and the one it saves might be your own.

"Why am I still here? What is my purpose now? How can I make a change in my or someone else's life?" These are question I pray the person who turned our world upside down thinks about daily. I would not wish this new normal on anyone. Mine of grief or theirs of living with that night. But I also cannot sit back and merely hope they understand the magnitude of their decision. I am before you today, praying that your heart and mind "SEEK JUSTICE for your actions, HAVE MERCY for those still needing help, AND WALK HUMBLLY" as you make a decision that helps yourself and others see that no one is beyond the unthinkable. No one is invincible.

DebHardy_FAV_SB870

Uploaded by: Hardy, Deb

Position: FAV

MS. DEB HARDY, RN
3 BLUFFS DRIVE
CONOWINGO, MD, 21918

HB 952/SB 870
In Support

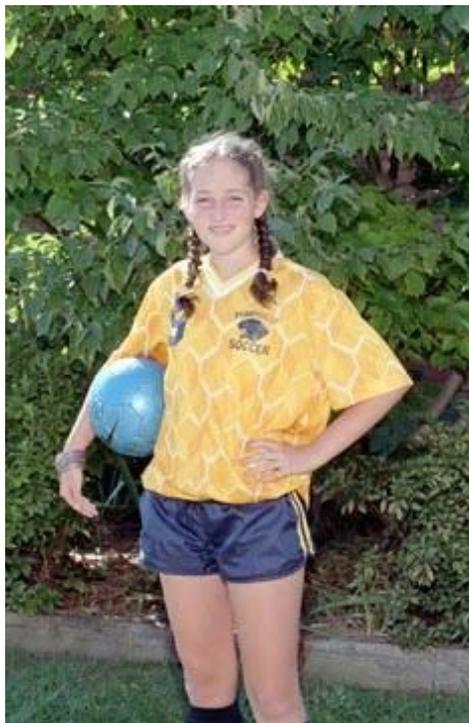
I am in support of HB 952/SB 870/Noah's Law fix bill.

I am writing in memory of my 13 year old daughter, Janet Marie Hardy, who was killed by a repeat drunk driving offender. Janet's father is a retired Maryland State Trooper and I, her mother, continue to work as a Maryland State Nurse. Janet is also survived by her older sister, Jessica.

Janet was only 13 years old when her young life was ended in a horrific crash caused by a drunk driver. The drunk driver had been granted Probation Before Judgement just seven months prior for another drunk driving offense. Had the offender who killed my daughter been mandated ignition interlock to be installed on his vehicle, I would be able to hold my daughter today. But this is not the case.

As a mother, I am left to live the rest of my life without my child. I am left with only memories and heartbreak. The pain does not go away over time. Each day is one more that I have to live without her. This crash not only killed my child, but two others died and two others were seriously injured. Nothing will ever bring Janet back to her family but we do have the opportunity to prevent this from happening to other families. Offenders who knowingly choose to drink until impaired and then choose to drive need to realize there are consequences.

Janet, and Noah, deserve better.



Janet Marie Hardy 11/2/1989 – 10/26/2003

RichLeotta_FAV_SB870

Uploaded by: Leotta, Rich

Position: FAV

Bill SB 870 to Close Loophole in Noah's Law

Richard Leotta, Activist and Father of Officer Noah Leotta, Fully Supports This Bill

The Bill is a measure to make improvements to Noah's Law that was passed and became effective on October 1, 2016. Noah's Law primarily requires an interlocking device to be installed in the vehicles of convicted drunk drivers. Interlocks are an effective tool that saves lives by helping to change the bad behavior of drunk drivers. In states with all offender interlocks there is a 67% reduction in re-arrest rates and a 15% reduction in deaths rates. However, Maryland is not seeing these results because judges are using probation before judgement (PBJ) to evade the spirit and requirements of Noah's Law. To be clear a person granted the leniency of a PBJ by a judge is a person that pleads guilty, is found guilty but, ultimately not convicted and given probation in lieu thereof. Thereby, since a person is not convicted the judges do not have to comply with the requirements of Noah's Law. To verify this is occurring I have been attending the Rockville Maryland District Court proceedings once a week from 4/30/18 – 2/20/20. The results of my review are as follows:

Total number of DUI/DWI case recorded: 328

Breakdown of the 328 cases:

- **217 PBJs = 66% of all cases**
- **129 No Interlock Ordered = 59% of PBJs**
- 88 Interlock Ordered = 41% of PBJs

- **79 Convicted = 24% of all cases**
- 59 Interlock Ordered = 75% of Convicted
- **20 No Interlock Ordered = 25% of Convicted**

- **5 Not Guilty = 2% of all cases**

- **27 Sentences Deferred = 8% of all cases**

- 27 Given some jail time = 8% of all cases

- **74 With Prior DUI/DWI Offenses = 23% of all cases**
- 53 Interlock Ordered = 72% of Priors
- 16 No Interlock Ordered = 21% of Priors
- 5 Deferred = 7% of Priors

- **272 Represented by private attorneys = 83% of all cases**

The primary reasons given by the judges for leniency of NOT ordering an interlock are as follows:

- **A Persons First Offense:** This is a **very weak** argument since a person drives drunk about 80 times before they are caught. Therefore, it is really the **first time being caught** for the offense of drunk driving.
- **Interlock Cost Too Much:** **83%** of the individuals charged with DUI/DWI can afford a private attorney so they certainly can afford and interlock. An interlock is about the cost of a drink a day. Furthermore, Noah's Law has provisions for those that can truly not afford an interlock device. **However, most importantly, what is the cost of my son's life and all the victims of drunk driving? (PRICELESS!)**
- **Low Blow or Blood Alcohol Content (BAC):** This is a **very weak** argument since the drivers of commercial vehicles are considered impaired at a .04 BAC. Therefore, someone is clearly and seriously impaired at .08 BAC. However, there are other factors at play that allow for .08 BAC for drivers of non-commercial vehicles. Also, it should be noted that for most of Europe and Utah .05 BAC is considered impaired.

Discussion of Judge's discretion:

- Judge's discretion is maintained since they can express leniency by granting a PBJ rather than convicting someone. However, for this leniency the PBJ should be conditioned on the requirement of having an interlock device installed in the vehicle of the drunk driver. With an interlock device a person can live a normal life, they just can't drink and drive. This is a reminder and therapy that helps a person not repeat this very serious, violent and deadly crime. It helps change behavior and saves lives including that of the drunk driver.

Summary Statement:

- **Judges grant Probation Before Judgement (PBJ) in 66% of DUI/DWI cases. In addition to the leniency of granting a PBJ, judges practice CATCH AND RELEASE by taking leniency to the extreme by NOT ordering an interlock device in 59% of the PBJs. For these PBJs the judges usually only order some counseling, attending one MADD victim impact panel and sometimes one shock trauma visit. However, without an interlock device ordered, these measures have very limited success in changing the bad behavior of drunk drivers. Thereby, judges must stop this practice and protect the victims and the community, by issuing PBJs with interlocks as a condition of the leniency of probation. Additionally, drunk and drugged drivers given a suspension continue to drive on a suspended license 50% to 75% of the time. Let's save lives and make Maryland a state where 67% of drunk drivers do not repeat and reduce fatalities from drunk driving by 15%.**

RichLeotta_FAV_SB870

Uploaded by: Leotta, Rich

Position: FAV

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MontgomeryCountyPolice_FAV_SB870

Uploaded by: McBain, David

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 870

DATE: February 27, 2020

SPONSOR: Senator Waldstreicher

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Department of Police)

Drunk Driving Offenses – Ignition Interlock System Program

Senate Bill 870 expands mandatory participation in Maryland's ignition interlock system program to include an individual who is granted probation before judgment (PBJ) for driving under the influence of alcohol or under the influence of alcohol *per se* or impaired by alcohol. If the offender refuses to participate in or fails to complete the program, the individual's license will be suspended by the Motor Vehicle Administration until the program is successfully completed. Montgomery County Department of Police supports this bill.

The National Highway Traffic Safety Administration reports that over the 10-year period from 2009 to 2018, on average more than 10,000 people died in alcohol-impaired crashes. Maryland made important changes to its impaired driving laws in 2016 by enacting Noah's Law (the Drunk Driving Reduction Act) that included increased penalties and expansion of its ignition interlock system program. While that law was a major step forward toward getting drunk drivers off the road, it didn't go far enough.

According to figures provided by the Administrative Office of the Courts, nearly 6,000 people received PBJs for driving under influence (DUI) violations in fiscal 2019. These drivers were found guilty of the offense, but if they completed a probationary period, they were not convicted of the violation. Because most drunk drivers are repeat offenders, it is very likely that those receiving PBJs will get behind the wheel again, and again, they will endanger themselves and everyone around them.

Interlock programs have been shown to be effective at reducing DUI recidivism. Montgomery County Department of Police respectfully urges that the Committee adopt a favorable report on SB 870.

TomMcKnight_FAV_SB870

Uploaded by: McKnight, Tom

Position: FAV

Written Testimony of Tom McKnight
In support of SB870
February 27, 2020

On April 27, 2008 my life along with many others was forever changed. This is the day that my dear friend John Hill was driving home from work and on his way to get dinner for himself and his son, Thomas. That dinner would never be eaten.

You see on that same night another man had been drinking at the local hangout, where he had too much to drink and his friends gave him a ride home. Smart thing to do most would think, but see here is where our lives collide. After he was taken home, so he would not have to drive, he decided he needed to go to the store for some cigarettes. This man got in a truck headed out of town on, the wrong way, toward Rt. 404, he then made a left hand turn on Rt. 404, again the wrong way. A short distance later he hit my dear friend John in the driver's door, killing him instantly.

Most would be devastated by this alone, but what most do not understand is with HB952, this could have been prevented. This was the offenders 4th conviction. Had he been on an interlock he would not have been able to start his car and kill my friend John, he would not have been able to continue to make the choice to drink and drive and carelessly put our family and yours at risk, and ultimately take Johns life.

He was found guilty, sentenced to 10 years in prison with five of them suspended. Sadly after a short 2.5 years he was released on parole.

Mr. Chairman, ladies and gentlemen of the committee, I beg you to pass SB870. Please don't let another family suffer the same fate as the Hill family and friends.

MoCo_Morningstar_FAV_SB 870

Uploaded by: Morningstar, Sara

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 870

DATE: February 27, 2020

SPONSOR: Senator Waldstreicher

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Department of Police)

Drunk Driving Offenses – Ignition Interlock System Program

Senate Bill 870 expands mandatory participation in Maryland's ignition interlock system program to include an individual who is granted probation before judgment (PBJ) for driving under the influence of alcohol or under the influence of alcohol *per se* or impaired by alcohol. If the offender refuses to participate in or fails to complete the program, the individual's license will be suspended by the Motor Vehicle Administration until the program is successfully completed. Montgomery County Department of Police supports this bill.

The National Highway Traffic Safety Administration reports that over the 10-year period from 2009 to 2018, on average more than 10,000 people died in alcohol-impaired crashes. Maryland made important changes to its impaired driving laws in 2016 by enacting Noah's Law (the Drunk Driving Reduction Act) that included increased penalties and expansion of its ignition interlock system program. While that law was a major step forward toward getting drunk drivers off the road, it didn't go far enough.

According to figures provided by the Administrative Office of the Courts, nearly 6,000 people received PBJs for driving under influence (DUI) violations in fiscal 2019. These drivers were found guilty of the offense, but if they completed a probationary period, they were not convicted of the violation. Because most drunk drivers are repeat offenders, it is very likely that those receiving PBJs will get behind the wheel again, and again, they will endanger themselves and everyone around them.

Interlock programs have been shown to be effective at reducing DUI recidivism. Montgomery County Department of Police respectfully urges that the Committee adopt a favorable report on SB 870.

MDOT MVA_FAV_SB0870

Uploaded by: MVA, MDOT

Position: FAV

February 27, 2020

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Support – Senate Bill 870 – Drunk Driving Offenses – Ignition Interlock System Program

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation (MDOT) supports Senate Bill 870 as an opportunity to appropriately expand the use of an effective tool in combatting the danger of drunk driving.

Senate Bill 870 serves to strengthen and increase participation in the Ignition Interlock Program (IIP) for drunk or drugged driving offenses. Namely, a driver who commits a violation of MD TA §21-902(b) – driving while impaired – and is either convicted, suspended or revoked on points, or is granted probation before judgement, *must* enter IIP.

The MDOT Motor Vehicle Administration (MDOT MVA) administers a very successful Ignition Interlock Program that has become a national model. Strengthening Maryland’s IIP program is an assertive safety measure that builds on positive steps taken in recent years to combat the epidemic of drunk driving. The MDOT MVA supports the use of the Ignition Interlock Program (IIP) as an effective measure to reduce drunk driving crashes, injuries and deaths. According to a 2012 National Highway Traffic Safety Administration (NHTSA) study, drivers who have interlocks installed are 35 to 75 percent less likely to have a repeat drunk driving offense than convicted drunk drivers who do not have a device installed. In Maryland, the landmark 2016 passage of Noah’s Law strengthened administrative sanctions and significantly expanded the IIP. Since the passage of Noah’s Law, participation in the IIP has increased, and these changes are helping to keep more drunk drivers from getting behind the wheel and endangering the lives of others traveling on Maryland’s roadways.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 870 a favorable report.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Jeff Tosi
Director of Government Affairs
Maryland Department of Transportation
410-841-2850

BenjaminNordstrom_FAV_SB870

Uploaded by: Nordstrom, Benjamin

Position: FAV

TESTIMONY OF
Benjamin Nordstrom, M.D., Ph.D.
Executive Director
The Foundation for Advancing Alcohol Responsibility

Maryland Senate Judicial Proceedings Committee
February 27, 2020

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.

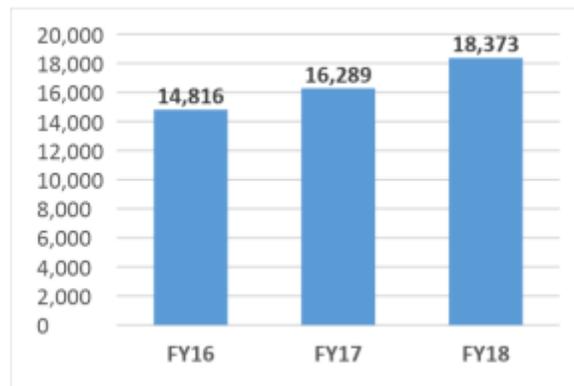
Recently I attended District Court in Montgomery County with Noah’s father, Rich Leotta. Among the 15-18 DUI cases we saw that morning, many defendants didn’t show up for their court dates, several others received continuances, five pled guilty and received PBJ and of those, only three were sentenced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

ArleneRosenbusch_FAV_SB870

Uploaded by: Rosenbusch, Arlene

Position: FAV

SB870
Interlock for first time drunk drivers
Favorable Report
Arlene Rosenbusch, District 19 constituent
February 27, 2020

Dear Judicial Proceedings Committee:

Please give bill SB870 a favorable report. My sister and brother-in-law were killed by a drunk driver, who did not have any drunk driving convictions on her record. On October 31, 2015 my sister, Lynne Rosenbusch and her husband John Fauerby were carefully riding their tandem bicycle on a country road in Calvert County, Maryland when they were hit from behind by a drunk driver. They were killed instantly. The woman had a blood alcohol of .12. She had no record of previous arrests.

It is important to give first time offenders an interlock device because you are keeping them from killing or hurting others. There is no telling when a drunk driver will kill someone. Chances are the person has been driving drunk before. The Centers for Disease Control estimate that for every drunk driver pulled over the average amount of time they have already been driving drunk is about 80.

Having first time offenders get an interlock device would save them from hurting others, and themselves. Imagine the ripple effect one life has on so many. My sister and brother-in-law left behind a huge community of people who are still grieving for them. Also imagine what the person who caused the deaths has to live with. Nobody wins in this situation.

An interlock device would provide a way to change dangerous behavioral patterns. It is a small inconvenience and price to pay for a life and the the hurt that is felt by so many affected.

My heart and those of my family, friends, and many others are still broken and always will be from a drunk driver. Please help to stop this from happening to others. I hope you never have to experience what I have been through.

I ask for a favorable report.

Sincerely,
Ms. Arlene Rosenbusch
14400 Gaines Avenue
Rockville, MD 20853
arlenerosenbusch@yahoo.com
240-888-0645

JeffSchaub_FAV_SB870

Uploaded by: Schaub, Jeff

Position: FAV

Jefferson Schaub, Jr.
Testimony in Support of Senate Bill 870
February 27, 2020

On October 29, 2018, Lion Air Flight 610 crashed killing 189 passengers and crew. On March 10, 2019, Ethiopian Airlines Flight 302 crashed killing 157 passengers and crew. Both crashes involved Boeing's 737 MAX aircraft. Within days of the second crash, the entire fleet of American 737 MAX aircraft were grounded. The number of Americans on these flights was less than 20, yet every aircraft in the country was grounded.

In America, according to the National Highway Traffic Safety Administration (NHTSA), in 2018, 10,511 people were killed by impaired drivers. To bring it closer to home, the Maryland Highway Safety Office (MHSO) reports that, in 2015, 171 people were killed as a result of impaired driving on Maryland's roadways.

For years, deaths related to impaired driving were on the decline. However, that trend is no longer true. The number of deaths nationwide has remained around 10,000 for a number of years. Some States, Maryland being one them, saw increases in the number persons killed crashes involving impaired drivers.

The Drunk Driving Act of 2016 was passed, in part, due to the death of Officer Noah A. Leotta, a Montgomery County police officer killed in the line of duty by an impaired driver while working a special enforcement detail aimed at apprehending impaired drivers. Through the effort of organizations such as Mothers Against Drunk Driving (MADD) and Noah's parents, this important legislation was passed. This was the first major change to strengthen Maryland's impaired driving laws in many years. As Mr. Rich Leotta has said many times, because of the increased, compelling use of ignition interlocks, "...Noah is still on patrol."

There were, however, provisions in Noah's Law that dulled its edge as the legislation made its way through the Maryland Senate and House of Representatives. One such provision is that a person could be compelled to install the ignition interlock on their vehicle **if** the judge or jury found that they "...knowingly refused a breath test." There are judges who have stated in open court that they will not make a finding that the violator refused a breath test. These judges have specifically stated that they are doing this to keep the violator from having to install the ignition interlock on their vehicle.

Also, there is a way that a person can avoid the interlock entirely. If a person is charged with driving under the influence, they consent to a breath test and their breath alcohol measurement is 0.14 or lower, they would most likely not be suspended nor would they be compelled to participate in the Ignition Interlock System Program.

The current law in the State of Maryland does allow for the suspension of certain drivers charged with an alcohol-related driving offense. However, not all alcohol-related offenses are covered. If a person is charged with "Driving While Impaired (DWI)," a lesser offense, they are not subject to any suspension. DWI is an offense used for those whose BrAC is 0.07 or, in the case of Baltimore County, they refuse a breath test. While the more serious offense, "Driving Under the

Influence (DUI),” is for those who take a breath test and show a BrAC 0.08 or higher. On rare occasions, when the driver shows extreme impairment, they do face the DUI charge. In any case, suspensions are restricted to Motor Vehicle Administration (MVA) sanctions imposed at an Administrative Hearing. The extent of these sanctions, when applied, is to suspend the violator’s license. That suspension ranges from 180 days to 2 years. The most extreme sanction, *revocation*, is reserved for repeat offenders whose actions resulted in a crash that killed someone or caused serious bodily injury.

Suspensions and even revocations are ignored every day. Suspended/Revoked drivers, every day, take to the roads of Maryland. They know that the chances of them being stopped are small. Further, with some suspension penalties being reduced to only fines, there are some drivers that do not even care if they are caught driving while suspended. Drivers suspended for alcohol-related driving offenses are no different. Many of them will drive. In fact, statistics put forth by NHTSA, MADD, the Noah H. Leotta Foundation and other groups show that those suspended/revoked for alcohol-related offenses, not only drove, but drove while impaired.

Strengthening Noah’s Law, by expanding the compulsory use of ignition interlocks, will reduce the number of impaired drivers on the roadways of Maryland. Further, requiring the Ignition Interlock as a mandatory condition of any probation related to impaired driving will decrease the likelihood of violators from committing the same offense during the time period that the ignition interlock is installed on the vehicle. Further, making this valuable tool a mandatory condition of any probation, will take away the ability for select judges to circumvent the provisions of Noah’s Law meant to protect drivers on Maryland’s roadways.

These common sense improvements to Noah’s Law would be yet another step in strengthening Maryland’s response DUI related offenses. Further, the passage of these enhancements would cost the State virtually nothing. All costs could be passed on to the violator.

SheilaSparks_FAV_SB870

Uploaded by: Sparks, Sheila

Position: FAV

Testimony of Sheila Sparks
Drunk driving victim
Testimony in Support of SB870
February 27, 2020

Good afternoon. My name is Sheila Sparks and I would like to tell you how my life was directly affected by a repeat drunk driving offender. In September 2014, I was driving home from work late at night. I was hit head on by a drunk driver who was traveling in the wrong direction on 301 in Upper Marlboro, MD. I don't remember any of my accident or the 48 hours that followed it. I had to be cut out of my car and was unconscious through the whole process. I was airlifted to Prince George's Hospital Shock Trauma department. That's when my parents received the call. My mom was told that I was breathing, but I had a bad head injury, and she should get to the hospital right away. Within a few hours, dozens of family and friends were told by the shock trauma team that I had a brain bleed, and there was no way to tell how extensive the damages would be until I was able to wake up from the medically induced coma I was placed in. In the meantime, my sisters, my aunts, my uncles, my cousins, my parents, my friends and most importantly, my 13 year old daughter took turns 2 at a time sitting in the ICU with me. I was on a respirator with all of the tubes and machines that accompany it. My daughter took one step in my room, turned around, and was not able to handle another visit for the rest of my hospital stay.

I suffered a broken collarbone that was later fused together with a titanium plate that I will have the rest of my life. I broke my wrist in three places. Five Lumbar vertebrae in my back were fractured, three ligaments in my knee were torn, and I had multiple wounds that required stitches, including 30 staples to my head.

Once I was released from the hospital, I googled the drunk driver's name and looked him up on the public MD Judiciary case search. That's when I realized I wasn't the first person this man hit while driving drunk. Just nine months prior to my accident, to the exact day, the same drunk driver hit a Prince George's County Police officer while on duty in his patrol car. At his hearing, the drunk driver pled guilty to driving while under the influence of alcohol. But yet when he chose to drink and drive the night of my accident, he was driving on a valid license, in his personally registered vehicle, with no interlock device.

If this drunk driver would have immediately received an interlock device in his vehicle upon his incident of driving while impaired, he would not have been able to almost kill me. My daughter would not have that image engraved in her head of me in the hospital that night. My parents would have never gotten that call.

The state is absolutely obligated to protect the community from people that have been convicted of driving under the influence. We are not asking for an indefinite revocation of driving privileges. We are not asking for extensive jail time that would immediately affect the quality of life for family members of drunk drivers. We are asking that you choose to protect the people of Maryland, just like 30 other states have chosen to do, by demanding a previously convicted drunk driver, be forced to prove their sobriety before operating a vehicle.

You have before you an amazing opportunity to save the lives of the people of Maryland. I am hoping you choose to do what is best for all of us. Thank you.

LisaSpicknall_FAV_SB870

Uploaded by: Spicknall, Lisa

Position: FAV



Testimony of Lisa Spicknall, Executive Director MADD Maryland
In Support of SB870
February 27, 2020

Good afternoon, I am Lisa Spicknall, Executive Director for Mothers Against Drunk Driving here in Maryland. Mothers Against Drunk Driving (MADD) strongly urges you to support SB870 by Senator Waldstreicher, which would require all first-time convicted drunk drivers who are granted a Probation Before Judgment (PBJ) to install an ignition interlock for 180 days.

In Maryland, ignition interlocks are required for all convicted drunk drivers, but not for those who are granted a PBJ. SB870 allows for PBJ, but includes the lifesaving use of the interlock as part of the sanction. Maryland already sets mandatory conditions for PBJ agreements, but fails to include the use of an interlock for every participant. At least eight states require interlocks for PBJ's.

Drunk driving is a leading killer on Maryland roadways. In 2018, 130 people died in drunk driving crashes across the state, representing 24 percent of all traffic deaths. Increasing the use of interlocks is proven to reduce drunk driving. Over the past 12 years, ignition interlocks have prevented 57,622 attempts to drive drunk in Maryland. That averages to almost 5,000 attempts to start! Can you imagine how many more attempts to drive drunk will be stopped by enacting this bill?

HB 952 will help stop repeat offenses and reduce DUI recidivism. According to the Centers for Disease Control and Prevention (CDC), all-offender interlock laws reduce drunk driving recidivism by 67 percent.

License suspension alone is not the most effective way to protect the public from repeat offenders. As we know, and studies show, drivers still drive when licenses are suspended.

Included in my written testimony you will find more information on ignition interlocks. Thank you in advance for your prompt consideration of this important, lifesaving, legislation.

The most important part of this bill, passing this bill, though is the victims. You will hear from some of them today, but unfortunately all of the victims that want to be here to share their story cannot. Such as:

Paula & Jerry Celentano, whose 17 year old daughter Alisa, was killed by an impaired driver whose BAC 2.5 hours after the crash was .22 and who just 2 months prior to killing Alisa was not ordered to have an interlock installed even though he had gone to court for a DUI.

Cpl. Courtney Brooks, whose daughter Casey would have told you about how her father was killed while working a New Years Eve patrol and hit by a repeat offender impaired driver who had been convicted 3 months prior for a DUI, but again no interlock installed.

Or Deb Hardy, whose 13 year old daughter Janet, was killed by an impaired driver who just 7 months prior had received a probation before judgment.

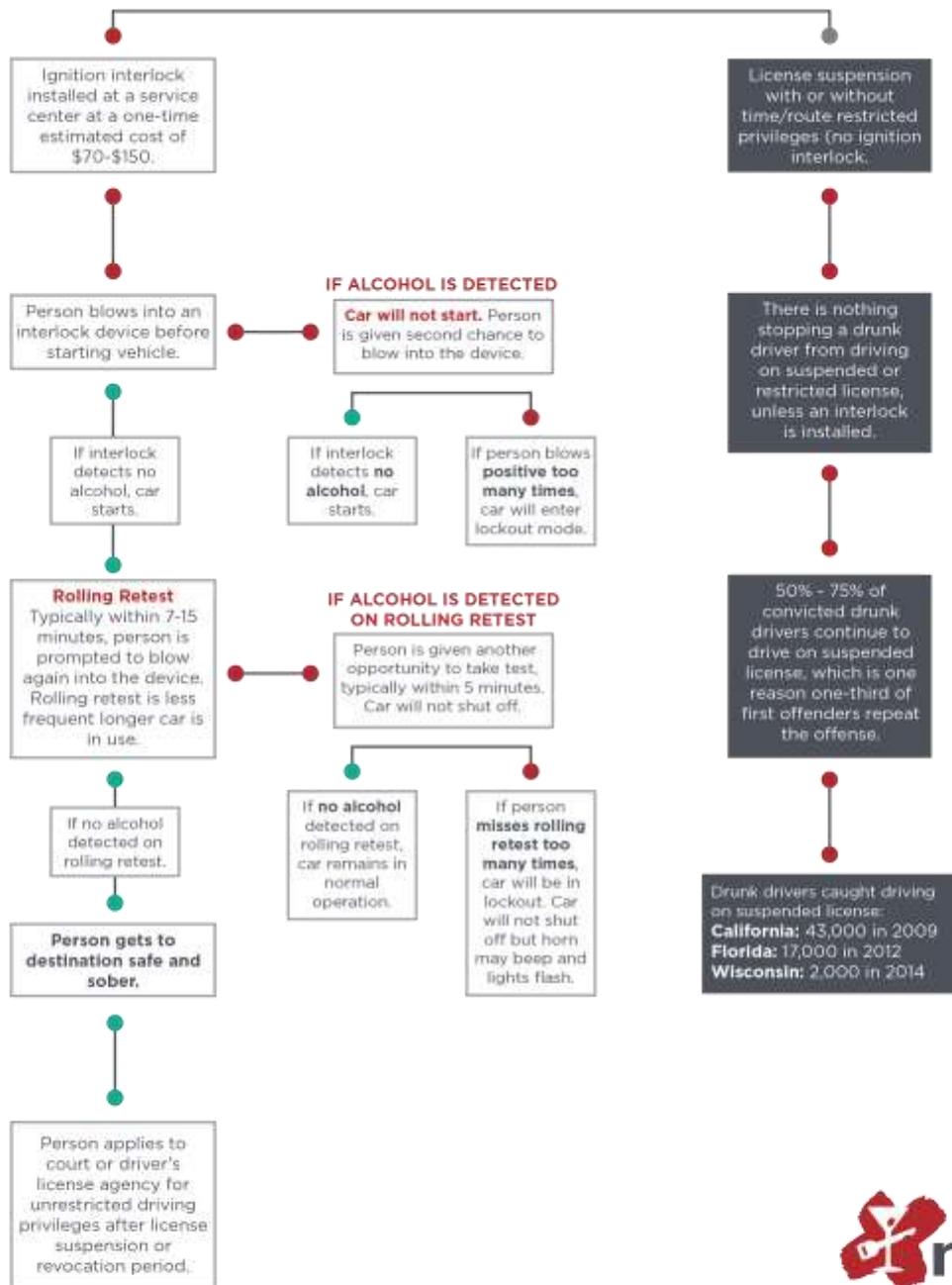


Tom McKnight, whose close friend John Hill, a husband, father, school bus driver, was killed by a repeat offender, who had recently been convicted, but not placed on an ignition interlock.

And finally the reverse, Heather VanDuesen, who is an offender who couldn't be here today to tell you how being on an interlock CHANGED HER LIFE. She blew a .25 and was placed on interlock. She was still able to live her life, still able to go to work, to school and to have a life, but without drinking and driving. She credits the Interlock with saving her life and changing her behavior!

So it is for the victims, Alisa, Cpl. Brooks, Janet, John, and all of the other victims, including the ones you will meet today we urge you to pass SB870.

Ignition Interlock vs. License Suspension After DUI



People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.

Teoh et al, Insurance Institute for Highway Safety, “State Ignition Interlock Laws and Fatal Crashes,” March 2018.

- The number of impaired driving crashes falls 16 percent when states enact all-offender ignition interlock laws.
- If all states mandated interlocks for all DUI offenders, more than 500 of those deaths would have been avoided.

McGinty, Emma E. American Journal of Preventative Medicine, “Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013,” January, 2017

- Ignition interlock laws reduce alcohol-involved fatal crashes. Increasing the spread of interlock laws that are mandatory for all offenders would have significant public health benefit.
- Laws requiring interlocks for all drunk driving offenders with a blood alcohol concentration (BAC) of .08 or greater were associated with a seven percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for first-time offenders with a BAC of .15 or greater were associated with an eight percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for segments of high-risk drunk driving offenders, such as repeat offenders, may reduce alcohol-involved fatal crashes after 2 years of implementation.

California DMV Study of Four-County Ignition Interlock Pilot Program, June 2016

- Ignition interlocks are **74% more effective in reducing DUI recidivism** than license suspension alone for first offenders during first 182 days after conviction.
- **Interlocks are 45% more effective** in preventing a repeat DUI incidence when compared to license suspension alone during days 183 to 365 after conviction. (Many first-time offenders have the device removed after 182 days of use.)
- Ignition interlocks are **70% more effective than license suspension** alone in preventing repeat offenses for second-time offenders, compared to license suspension alone, for the first 364 days of use.
- Interlocks are **58% more effective in preventing a repeat DUI incidence during days 365 to 730** days of use for second-time offenders.
- **Third-time offenders who only had a suspended license were 3.4 times more likely to have a fourth DUI** conviction or incidence compared to the interlocked offender group.
- Because interlocked offenders are able to be part of society and provide for their family by driving to work, grocery stores, restaurants and anywhere else, their crash risk is most likely similar to the general driving population in California, but higher than offenders whose licenses were suspended or revoked and not permitted to drive.

Kaufman, University of Pennsylvania, “Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States,” March 2016

- DUI **deaths decreased by 15%** in states that enacted all-offender interlock laws.
- States with mandatory interlock laws saw a **0.8 decrease in deaths for every 100,000 people** each year – which is comparable to lives shown to have been saved from mandatory airbag laws (0.9 lives saved per 100,000 people).



Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.

12 oz. 5% alcohol = 5 oz. 12% alcohol = 1.5 oz. 40% alcohol

.08 BAC

- Trouble controlling speed
- Difficulty processing information and reasoning
- Reduced coordination and ability to track moving objects
- Difficulty steering
- 11 times more likely to cause a crash compared to a sober driver

TO GET TO THE ILLEGAL .08 BAC LEVEL, A 160-POUND MALE MUST DRINK FOUR DRINKS IN AN HOUR.

All-offender ignition interlock laws stop drunk drivers with a blood alcohol concentration (BAC) .08 or greater from reoffending.

The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Thirty-four states plus DC have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of December 2017, there are approximately 349,030 interlocks in use in the United States.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

- ✓ **West Virginia:** 60 percent
- ✓ **Delaware:** 46 percent
- ✓ **Louisiana:** 42 percent
- ✓ **Kansas:** 34 percent
- ✓ **Oklahoma:** 33 percent
- ✓ **New Mexico:** 31 percent
- ✓ **Arizona:** 29 percent
- ✓ **Maryland:** 24 percent
- ✓ **Mississippi:** 22 percent

Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

LisaSpicknall_FAV_SB870

Uploaded by: Spicknall, Lisa

Position: FAV



Testimony of Lisa Spicknall, Executive Director MADD Maryland
In Support of SB870
February 27, 2020

Good afternoon, I am Lisa Spicknall, Executive Director for Mothers Against Drunk Driving here in Maryland. Mothers Against Drunk Driving (MADD) strongly urges you to support SB870 by Senator Waldstreicher, which would require all first-time convicted drunk drivers who are granted a Probation Before Judgment (PBJ) to install an ignition interlock for 180 days.

In Maryland, ignition interlocks are required for all convicted drunk drivers, but not for those who are granted a PBJ. SB870 allows for PBJ, but includes the lifesaving use of the interlock as part of the sanction. Maryland already sets mandatory conditions for PBJ agreements, but fails to include the use of an interlock for every participant. At least eight states require interlocks for PBJ's.

Drunk driving is a leading killer on Maryland roadways. In 2018, 130 people died in drunk driving crashes across the state, representing 24 percent of all traffic deaths. Increasing the use of interlocks is proven to reduce drunk driving. Over the past 12 years, ignition interlocks have prevented 57,622 attempts to drive drunk in Maryland. That averages to almost 5,000 attempts to start! Can you imagine how many more attempts to drive drunk will be stopped by enacting this bill?

HB 952 will help stop repeat offenses and reduce DUI recidivism. According to the Centers for Disease Control and Prevention (CDC), all-offender interlock laws reduce drunk driving recidivism by 67 percent.

License suspension alone is not the most effective way to protect the public from repeat offenders. As we know, and studies show, drivers still drive when licenses are suspended.

Included in my written testimony you will find more information on ignition interlocks. Thank you in advance for your prompt consideration of this important, lifesaving, legislation.

The most important part of this bill, passing this bill, though is the victims. You will hear from some of them today, but unfortunately all of the victims that want to be here to share their story cannot. Such as:

Paula & Jerry Celentano, whose 17 year old daughter Alisa, was killed by an impaired driver whose BAC 2.5 hours after the crash was .22 and who just 2 months prior to killing Alisa was not ordered to have an interlock installed even though he had gone to court for a DUI.

Cpl. Courtney Brooks, whose daughter Casey would have told you about how her father was killed while working a New Years Eve patrol and hit by a repeat offender impaired driver who had been convicted 3 months prior for a DUI, but again no interlock installed.

Or Deb Hardy, whose 13 year old daughter Janet, was killed by an impaired driver who just 7 months prior had received a probation before judgment.

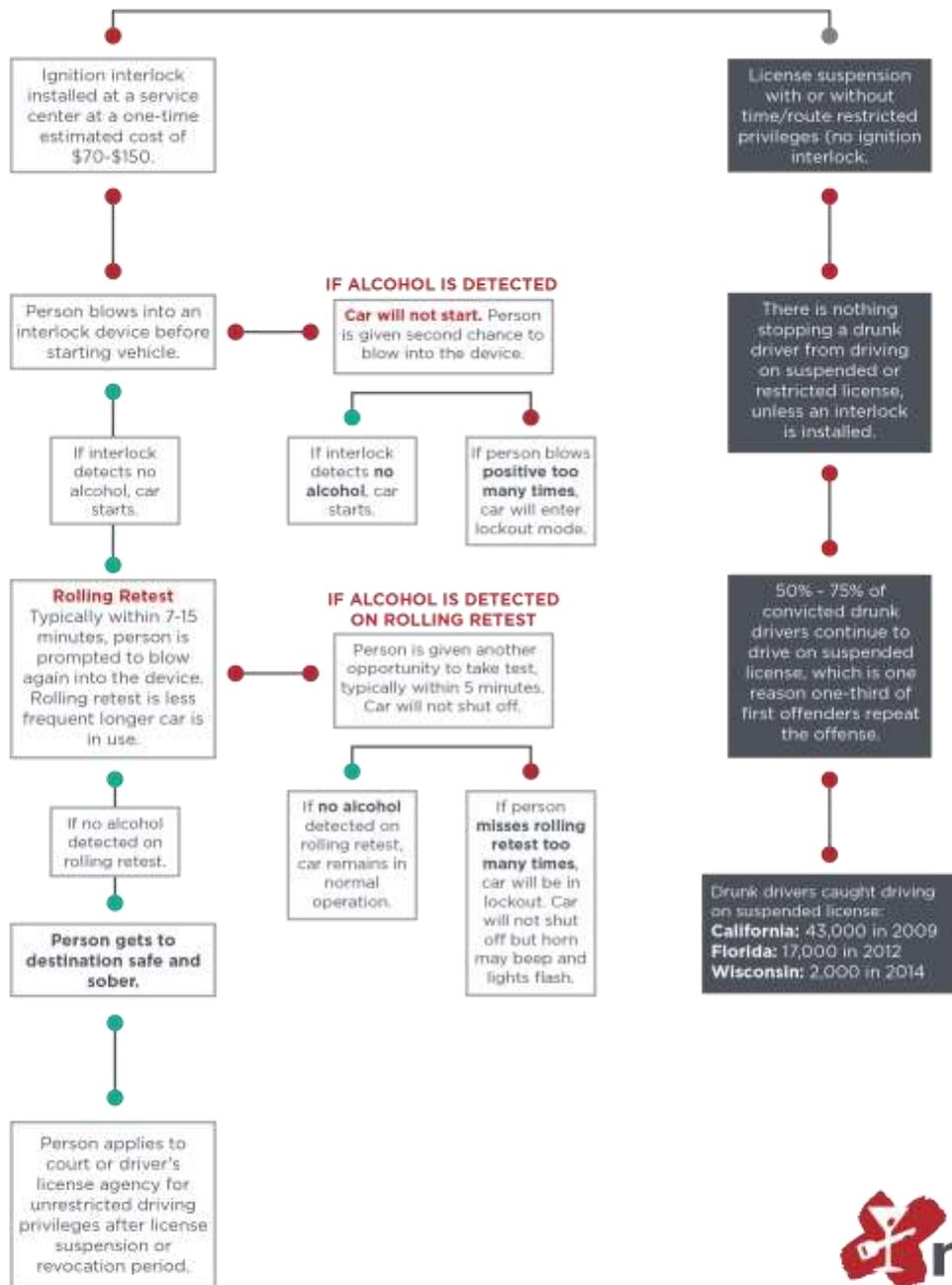


Tom McKnight, whose close friend John Hill, a husband, father, school bus driver, was killed by a repeat offender, who had recently been convicted, but not placed on an ignition interlock.

And finally the reverse, Heather VanDuesen, who is an offender who couldn't be here today to tell you how being on an interlock CHANGED HER LIFE. She blew a .25 and was placed on interlock. She was still able to live her life, still able to go to work, to school and to have a life, but without drinking and driving. She credits the Interlock with saving her life and changing her behavior!

So it is for the victims, Alisa, Cpl. Brooks, Janet, John, and all of the other victims, including the ones you will meet today we urge you to pass SB870.

Ignition Interlock vs. License Suspension After DUI



People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.

Teoh et al, Insurance Institute for Highway Safety, “State Ignition Interlock Laws and Fatal Crashes,” March 2018.

- The number of impaired driving crashes falls 16 percent when states enact all-offender ignition interlock laws.
- If all states mandated interlocks for all DUI offenders, more than 500 of those deaths would have been avoided.

McGinty, Emma E. American Journal of Preventative Medicine, “Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013,” January, 2017

- Ignition interlock laws reduce alcohol-involved fatal crashes. Increasing the spread of interlock laws that are mandatory for all offenders would have significant public health benefit.
- Laws requiring interlocks for all drunk driving offenders with a blood alcohol concentration (BAC) of .08 or greater were associated with a seven percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for first-time offenders with a BAC of .15 or greater were associated with an eight percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for segments of high-risk drunk driving offenders, such as repeat offenders, may reduce alcohol-involved fatal crashes after 2 years of implementation.

California DMV Study of Four-County Ignition Interlock Pilot Program, June 2016

- Ignition interlocks are **74% more effective in reducing DUI recidivism** than license suspension alone for first offenders during first 182 days after conviction.
- **Interlocks are 45% more effective** in preventing a repeat DUI incidence when compared to license suspension alone during days 183 to 365 after conviction. (Many first-time offenders have the device removed after 182 days of use.)
- Ignition interlocks are **70% more effective than license suspension** alone in preventing repeat offenses for second-time offenders, compared to license suspension alone, for the first 364 days of use.
- Interlocks are **58% more effective in preventing a repeat DUI incidence during days 365 to 730** days of use for second-time offenders.
- **Third-time offenders who only had a suspended license were 3.4 times more likely to have a fourth DUI** conviction or incidence compared to the interlocked offender group.
- Because interlocked offenders are able to be part of society and provide for their family by driving to work, grocery stores, restaurants and anywhere else, their crash risk is most likely similar to the general driving population in California, but higher than offenders whose licenses were suspended or revoked and not permitted to drive.

Kaufman, University of Pennsylvania, “Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States,” March 2016

- DUI **deaths decreased by 15%** in states that enacted all-offender interlock laws.
- States with mandatory interlock laws saw a **0.8 decrease in deaths for every 100,000 people** each year – which is comparable to lives shown to have been saved from mandatory airbag laws (0.9 lives saved per 100,000 people).



Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.

12 oz. 5% alcohol = 5 oz. 12% alcohol = 1.5 oz. 40% alcohol

.08 BAC

- Trouble controlling speed
- Difficulty processing information and reasoning
- Reduced coordination and ability to track moving objects
- Difficulty steering
- 11 times more likely to cause a crash compared to a sober driver

TO GET TO THE ILLEGAL .08 BAC LEVEL, A 160-POUND MALE MUST DRINK FOUR DRINKS IN AN HOUR.

All-offender ignition interlock laws stop drunk drivers with a blood alcohol concentration (BAC) .08 or greater from reoffending.

The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Thirty-four states plus DC have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of December 2017, there are approximately 349,030 interlocks in use in the United States.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

- ✓ **West Virginia:** 60 percent
- ✓ **Delaware:** 46 percent
- ✓ **Louisiana:** 42 percent
- ✓ **Kansas:** 34 percent
- ✓ **Oklahoma:** 33 percent
- ✓ **New Mexico:** 31 percent
- ✓ **Arizona:** 29 percent
- ✓ **Maryland:** 24 percent
- ✓ **Mississippi:** 22 percent

Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

HeatherVanDusen_FAV_SB870

Uploaded by: Van Dusen, Heather

Position: FAV

Testimony of Heather VanDusen In
Support of SB870
Noah's Law
February 27, 2020

Thank you for allowing me to submit written testimony.

I was convicted of a DWI, with a blood alcohol content level of .25 I was under the age of 21. When I was convicted I had to do two years of supervised probation I had to do 18 months of the interlock system I received a 8 points on my driver's license.

Before I was pulled over for drinking and driving The behavior was a regular thing that I did on a daily basis I always drink and drove my car once I was pulled over and convicted and had the interlock system installed in my vehicle the system made it very impossible to drink and drive from that point on. Anytime you had any blood alcohol content in your system you cannot start your car. There were some days when I thought that I could just stay home at night and drink instead of going to different bars and drinking or to a friend's house and drinking however the blood alcohol content disperses one drink per hour so if you stayed home and you drank more than amount of hours you going to sleep before you want to drive the next day you were unable to start your car the next day. This made it very difficult to function any longer as an alcoholic or a drunk driver because interlock system prohibits you from drinking and driving in any kind of form or fashion. Shortly after my conviction is when I had the interlock system installed I want to say probably a month afterwards is when it was installed so I stopped drinking in May which is around that month afterwards. Drinking just became huge inconvenience in my life within an interlock system installed into my vehicle. I wasn't able to go to school and work if I was drinking because I couldn't drive my car so in order to still go on with my daily responsibilities I had to stop drinking and use the interlock system that was installed my car in order to continue with my daily responsibilities.

This coming May will be nine years since my last drink. Having the interlock installed onto my car helped me realize that I had larger responsibilities to worry about rather than drinking every day. I knew the path I was on eventually I would end up killing myself or someone else when behind the wheel of a car. I am glad I've been able to come to that realization because again it's been almost 9 years since my last drink of alcohol and I can proudly say that I am a productive member of society with a great job, kids, and spouse. All of those things would have not been possible if I was going to continue to behave the way I was.

As a person who went through the program, I urge you to pass SB870 and please help save lives and make changes needed on our roadways.

AFSCME_fwA_sb870

Uploaded by: Esty, Sue

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Patrick Moran - President

Testimony

SB 870 - Drunk Driving Offenses - Ignition Interlock System Program

AFSCME supports SB 870. This legislation would add driving while impaired by a drug to the current reasons that an individual would participate in an Ignition Interlock Program. This program has been important to protecting the safety of drivers across the state.

We have, however, an amendment that we would like to offer for your consideration. AFSCME represents the employees of Parole and Probation that are in the Drinking Driver Monitoring Program. Like many other agencies in the state, these employees have high caseloads, and supervise over 11,000 individuals with drinking and driving issues. Presumably, they may also be involved in supervising these additional individuals.

Currently, both the Motor Vehicle Administration (MVA) and the Division of Parole and Probation (P&P) monitor individuals for compliance with requirements by the Courts to utilize these devices. This means there is a clear duplication of efforts. We ask, that, at minimum, that new individuals that may be utilizing Interlock Devices be monitored solely by the MVA, while Parole and Probation supervises other aspects of their sentence. Secondly, if it is possible, we would urge the committee to consider extending this same division of labor for monitoring those currently required to use an Interlock Device.

This suggestion is recommended in order to avoid duplication of efforts and in order to help the Drinking Driver Monitors to deal more effectively with their caseloads. Thank you for your consideration of this amendment.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

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Chris Murray_UNF_SB870

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Position: UNF

Maryland Criminal Defense Attorney's Association



Maryland Senate Judicial Proceedings Committee

February 27 2020 1pm

Hearing on SB 0870 “Drunk Driving – Ignition Interlock”

MCDAA POSITION: OPPOSE

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 or our Government Relations Contacts: Alan Drew 240.856.2607 da4617@gmail.com and John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com

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Position: UNF

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Position: UNF

Testimony of Leonard R. Stamm **Opposing** Senate Bill 870 (HB 952)
Senate Judicial Proceedings Committee
February 27, 2020

My name is Leonard R. Stamm appearing on behalf of the Maryland Criminal Defense Attorneys' Association. I have been in private practice defending persons accused of drunk driving and other crimes for over 30 years. I am author of *Maryland DUI Law*, published and updated annually by Thomson-Reuters. I am currently a Fellow (former Dean) of the National College for DUI Defense, a nationwide organization with over 1500 lawyer members. I am a former President and current Dean of the Maryland Criminal Defense Attorneys' Association. I have co-authored amicus briefs filed by the National Association of Criminal Defense Lawyers and the National College for DUI Defense in the Supreme Court cases of *Bullcoming v. New Mexico*, 564 U.S. 647 (2011), *Missouri v. McNeely*, 569 US 141 (2013), and *Birchfield v. North Dakota*, 579 US ___, 136 S. Ct. 2160, 195 L. Ed. 2d 560 (2016).

1. Perhaps the biggest complaint about Senate Bill 870 (HB 952) is that it unfairly targets first offenders who are either at or only slightly over the legal limit. Many of these drivers are social drinkers who are unlikely to reoffend at all, not to mention in the year following their arrest. The proponents of law offer statistics to the legislature showing the number of times that the interlock has caught drivers attempting to drive drunk. However, this data does not reflect the drivers targeted by this law. There is no data I am aware of showing the number of social drinkers who repeat within the first 6 months after their first arrest. In my experience, such occurrences are extremely rare. So the law is punishing social drinkers, the vast majority of whom will not ever drink and drive again, and certainly not within the first 6 months after their first arrest.
2. This bill requires mandatory ignition interlock in certain cases. I am not opposed to interlocks in general. The problem as I see it with interlocks is the program is both too broad and too narrow at the same time. The requirement would be too broad in that people who cannot afford an interlock or for whom an interlock requirement would be unnecessarily devastating, such as CDL holders, or non-vehicle owners, drivers who are required to drive a company car would be unfairly punished. The requirement could serve as a permanent preclusion from ever getting a license again. There needs to be discretion. The requirements as currently enforced are too narrow because out of state residents from Virginia, West Virginia, D.C., Delaware and Pennsylvania, who work in Maryland are unable to qualify for the program in Maryland and must take a suspension instead. A bill that could have corrected this problem did not pass two years ago.
3. This bill contains an interlock requirement for defendants who receive probation before judgment. The problem is that many of those offenders who do not have an ignition interlock in the car already as a result of the administrative hearing, that usually occurs before court, don't qualify because they don't have a Maryland driver's license or a car. Under current law, a person who fails a breath test at .08 or more but less than .15 has already been through a process where they elected a 180 days suspension, a 180 work permit or a 180 day interlock. A person who fails a breath test with a result of .15 or more has already either elected a 180 day suspension or one year with an ignition interlock. A person who refuses the breath test is subject to a 270 day suspension or one year interlock. The punishment must fit the crime and this proposal does not. It would represent a double punishment for those offenders that chose a suspension over the interlock at the MVA hearing.
4. This bill is very similar to HB 813 that was not approved in 2019.

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Stamm_UNF_sb 870

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Lenny Stamm_UNF_sb870

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Position: UNF

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