

Joint Testimony of
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**Hearing on House Bill 1381 – Accidents Resulting in Death-Mandatory Drug & Alcohol
Testing**
(Danshaun’s Law)
Maryland House of Delegates, Judiciary Committee

March 4, 2020

Caitlin Werrell and I thank the Committee for giving us an opportunity to testify in support of House Bill 1381 – Accidents Resulting in Death-Mandatory Drug & Alcohol Testing (Danshaun’s Law).

I would like you to imagine for a moment a sunny Sunday morning in August. Around 10am a father and his two children are walking along a field. They are going fishing to catch breakfast. They have their fishing gear with them – a fishing rod and tackle box - and are headed to a branch of the Choptank River, on the Eastern Shore of Maryland. Now imagine a big truck headed straight toward this father and his two children. Now stop imagining, because that’s exactly what happened, in front of our home, on August 20, 2017.

At 10:50 am on that sunny day, I was outside in the yard when I heard a terrible crash on the other side of my fence. I ran to the road, and my wife joined me as she rushed out of the house. We saw two children standing in the grass on the other side of the street – a young boy and girl. They reminded us of the children from Mary Poppins. But instead of singing about flying kites in the park, they were crying and screaming for someone, anyone, to help their father, Joseph Meiklejohn, who was lying motionless in the grass at their feet. But there was nothing we could do to bring their father back.

Incredibly, the truck was nowhere in sight. I turned to my right and then my left, and there, almost two hundred yards and five broken mailboxes away, the truck had come to a stop far up on a grassy embankment, and well off the road. The driver was sitting in the grass next to the passenger side. So far away from the scene of the accident.

There was something deeply wrong with this picture. Why was this truck, and its driver, so far away from the scene? How had the driver hit and killed a man who was walking in a field, and then continued on for almost 200 yards, knocking down five mailboxes along the road? Especially as no other vehicles were involved? These were all questions we assumed would be answered after we gave our report to the state police. These were all questions we assumed would be answered as the process of justice followed the grief and the pain of that terrible day.

But what is justice, in this case? No matter what it is, it won’t bring this father, son, brother, friend, back to life. Perhaps the only justice can derive from some good – any good – resulting in the wake of this horrible tragedy. Justice must be about preventing something like this from ever happening again - to anyone. To do that, however - to put in place measures to prevent these types of accidents from happening in the future - depends in large part on knowing exactly why

they happen. Why did this big truck run off the road into a field and kill a father taking his children fishing on a Sunday morning?

In this case, as we later learned, critically important missing information got in the way of justice, and got in the way of improving the safety of pedestrians all across this state. An investigation revealed that the driver of the truck may have been under the influence of a serious narcotic at the time of the accident. But unfortunately, a drug test was not administered on the scene. Despite the incredibly unusual behavior of the driver of this truck, a drug test simply was not administered. And that's because there was no law requiring it.

This missing information means that we simply aren't able to fully know why this accident happened, and therefore we do not have all the information we need to prevent this type of accident from happening in the future. This is not justice.

Now, I want you to imagine children riding their bikes along this field, or along fields and roads near your homes and your communities. Imagine children standing at a cross walk. Imagine children getting off the school bus. Now picture that same big truck that drove off the road and killed Joseph Meiklejohn and missed his children by mere inches. Picture this truck because this truck, and its driver, are still on the road. This truck and countless others like it remain on the road. They remain on the road because the full amount of evidence needed to better understand how these tragedies happen, and how they can be prevented from happening, is often not gathered. Because there is no law requiring that all the evidence be gathered. No law requiring that drug and alcohol tests be administered in the wake of fatal accidents.

I encourage the General Assembly of Maryland to consider all that it can do, including the measures outlined in Bill 1381, to prevent these types of tragedies from occurring in the future, and to make sure that a father, taking his children fishing on a Sunday morning, will make it to that river, hopefully catch a fish or two, and get back home.

Thank you.