

Maryland Criminal Defense Attorneys' Association



Maryland Senate Judicial Proceedings Committee

February 23 2021 1pm

Hearing on SB 0672 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.

Opposition Reasoning: This legislation imposes mandatory Interlock use, and eliminates the discretion of the judge to decide on a suitable punishment for the specific defendant. **The MCDAA opposes mandatory penalties that pre-empt 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. **Further, we believe the Interlock program, as currently constituted, has numerous programmatic flaws that need improvement.**

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact: John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com or MCDAA legislative committee members: Erica Suter, 202.468.6640 erica@ericasuterlaw.com or Andy Jezic 301.742.7470 avjezic@aol.com