



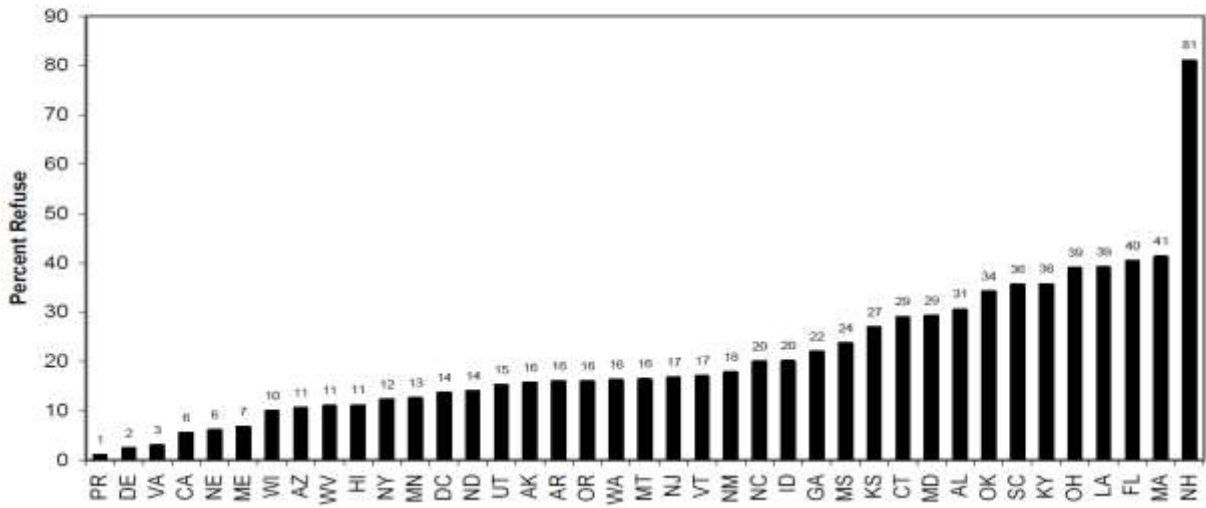
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Assembly Judiciary Committee  
Testimony in Support of Senate Bill 559  
February 25, 2021**

Mr. Chairman, and distinguished members of the Committee, thank you for allowing me the opportunity to submit written testimony in support of Senate Bill 559 giving law enforcement the option to obtain search warrants suspected DWI offenders who refuse a chemical test. MADD thanks you, Senator Ready, for your sponsorship for this bill.

MADD supports SB 559 because suspected drunk and drugged drivers should not be allowed to refuse a chemical test. Conservative estimates show impaired drivers have driven drunk at least 80 times before they are first arrested. SB 559 will help enforce Maryland's impaired driving law while also holding impaired drivers accountable for the potentially deadly choice to drive drunk.

Maryland's fight against impaired driving is not over. According to the National Highway Transportation Safety Administration (NHTSA) in 2019, there were 167 people killed in crashes caused by a drunk driving representing 32 percent of all total traffic deaths. MADD supports SB 559 as this measure gives law enforcement and prosecutors the necessary tools to hold suspected impaired drivers accountable for their careless choice. The legislation ensures safer streets while protecting Constitutional Rights of all people of Maryland.

Figure 1. Breath Test Refusal Rates, 2005



Refusals to submit a chemical test is a problem in the United States. The chart above is from an enclosed 2009 report to Congress entitled “Refusal of Intoxication Testing” which shows that typically one out of every five arrested drunk drivers will refuse a chemical test. Compared to other states, more than one of every three people arrested for suspected impaired driving, refuse to submit to a test. This is above the national average. Maryland has a refusal problem as noted in the cart below.

**Maryland DWI Arrests and Refusals**

	2015	2016	2017	2018	2019
Drivers Offered Test	20,089	19,326	18,954	18,762	18,983
Drivers Tested	13,440	12,661	12,421	12,123	11,979
Drivers Refused Test	6,649	6,665	6,537	6,639	7004
Refusal Rate	33.1%	34.5%	34.5%	35.4%	36.9%

Source: Compiled from Maryland State Police, *Alcohol Influence and PBT Use Summary Reports*

Without a legislative remedy, law enforcement and prosecutors remain at an extreme disadvantage in their ability to keep Maryland roadways safe. The refusal rates will continue climb in Maryland unless if lawmakers take action.

In conclusion, MADD encourages this committee to advance SB 559 and give law enforcement and prosecutors the full ability to request search warrants in order to hold suspected impaired drivers accountable for risking the lives of Maryland residents by making the choice to drive drunk. Thank you for the opportunity to submit written testimony before this distinguished committee.