

SB 672 - Noahs law 02-23-2021.pdf

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**AAA Mid-Atlantic's Testimony in Support
SB 672 – Drunk Driving Offenses - Ignition Interlock System Program
Sponsor: Senator Waldstreicher
Senate Judicial Proceedings Committee
Tuesday, February 23, 2021**

- AAA Mid-Atlantic **supports SB 672**, 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 2019, the latest year for which national data is available, there were 36,096 traffic fatalities nationally and 10,142 of those fatalities, or 28%, involved a driver with a BAC of 0.08 or higher. For the same period in Maryland, out of a total of 521 traffic fatalities, 167, or 32%, involved a driver with a BAC of 0.08 or higher, a 29.5% increase in alcohol-impaired-driving fatalities over the prior year. (*NHTSA, Overview of Motor Vehicle Crashes in 2019, Released Dec. 2020*)
- 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 672** a favorable report.

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2021 SB 672 CIIM FAV.pdf

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Position: FAV



February 23, 2020

Drunk Driving Offenses – Ignition Interlock System Program SB 672 - SUPPORT

Dear Chair William C. Smith, Jr., Vice Chair Jeff Waldstreicher, and members of the Senate Judicial Proceedings Committee:

On behalf of the Coalition of Ignition Interlock Manufacturers, I want to thank this committee for the opportunity to provide support testimony for SB 672. The Coalition of Ignition Interlock Manufacturers (CIIM) is composed of the nation's leading companies that manufacture ignition interlock devices that prohibit impaired persons from starting their vehicle. Our shared goal is to provide state administrators, courts, and policy makers the tools necessary to keep our roads and highways safe from drunk drivers.

Why Probation Before Judgement?

Ignition interlocks prevent recidivism. The numbers in Maryland and nationally are clear. The earlier an ignition interlock device is put on, the greater the impact in reducing recidivism. Maryland Task Force to Combat Driving Under the Influence of Drugs and Alcohol showed that the use of ignition interlock devices has been shown to lead to long-lasting changes in driver behavior and the reduction of recidivism. The task force advised that a minimum of six months of failure-free use is needed to significantly reduce recidivism, and that when ignition interlocks were required, **recidivism reduced by at least 60% and as much as 95%**. Although this report is from 2008, a 2016 study in California found **ignition interlocks are 74% more effective in reducing DUI recidivism than license suspension alone for first offenders during first 182 days after conviction**. This study also found that 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. **A 2011 CDC review of 15 national studies found that re-arrest rates decreased by a median of 67% when interlocks were required.**

Ignition Interlock Costs

As you've heard in past years, the Maryland Motor Vehicle Administration runs the Ignition Interlock System Program, including approving ignition interlock manufacturers who contract with the state to provide services to eligible participants and capping the monthly costs of service. Currently, there are eight certified manufacturers in Maryland, and part of all of their contracts is a requirement to provide reduced rates to participants that are declared eligible by MVA.

By regulation, all service providers must install a device for eligible participants within 10 days of a request and provide a toll-free 24-hour emergency response number for participants. The cost to install an ignition interlock device typically range from approximately \$70 to \$150, depending on the provider. Many providers offer discounts for fees associated with initial installation and account set up. Average cost for monthly monitoring ranges from approximately \$75 to \$100; these costs are comparable to fees charged by providers in other states. Participants can request an administrative program fee waiver and/or reduced provider fees if they meet certain eligibility requirements.

Indigent Fund + Eligibility

There are currently *14 programs* in Maryland that qualify for financial need, i.e., SSI, Maryland Medical Assistance Program, Emergency Assistance to Families. There is a form (DC.212) on the MVA Website along with information about how a participant can access the affordability program. We have attached a copy of the form with our testimony for reference.

The MDOT MVA will waive the \$47 enrollment fee for all participants who provide documentation that they are on medical or food assistance. For individuals receiving assistance from any of the 14 programs found on the form, interlock providers are required to offer the ignition interlock at a 50% of their normal rental rate for customers who are on federal food stamps.

Once MVA determines eligibility, the provider is notified, and the participant receives interlock at a 50% discount. With 8 manufacturers, providers are already offering their services competitively at discounts to encourage participants to install with their company. ***On average participants at a reduced fee receive free installation and monthly lease rate averaging \$41.49 a month or \$1.38 a day.***

Recommended Changes to Improve Affordability

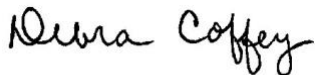
We recommend changing the name of the program from “Indigent Program” to the “Affordability Program.” We applaud the MVA for their efforts to providing more information on their website to increase participation in the indigent program. We support Marylanders who need it to have an easy and quick path to eligibility, be accessible to anyone qualified and not require additional workload or employees.

We believe that it is important that our customers have ownership in the program toward their success; a reduced fee, provides them with some accountability of the equipment and program, while also allowing our small Maryland business contract shops to stay in business.

As an Association, we are prepared to do our part to improve affordability for qualifying individuals in the indigent program and would support the MVA making a change to eliminate installation and removal fees we typically charge as part of our services. We have also taken steps to ensure all of our Maryland providers are educated about the fund and providing every customer with information to ensure that if they qualify they’re enrolled.

We stand ready to provide any support, assistance or technical information regarding interlocks and the Interlock program in Maryland. We ask for a favorable report for **SB 672**.

Respectfully submitted,



Debra Coffey

On behalf of the Coalition of Ignition Interlock Manufacturers
Director, Coalition of Ignition Interlock Manufacturers

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DC-212 MVA Ignition Interlock Fee Decrease.pdf

Uploaded by: Cyphers, Moira

Position: FAV

Application for Waiver of Ignition Interlock Participation Fee

I hereby request that the \$47.00 Ignition Interlock Participation Fee be waived, and Ignition Interlock Service Fees be reduced. I am receiving or have been declared eligible within the past 12 months for the following assistance:

- TCA (Temporary Cash Assistance)
- SSI (Supplemental Security Income)
- TEMHA
(Temporary Emergency Housing and Medical Assistance)
- PAA (Public Assistance to Adults)
- Temporary Disability Assistance Program
- The Burial Assistance Program
- Federal Supplemental Nutrition Assistance Program
- Emergency Assistance to Families with Children
- Homeless Services Program
- Maryland Energy Assistance Program
- Maryland Medical Assistance Program
- Individual Support Services under
Developmental Disabilities
- Transportation Services Under the Individuals
with Disabilities Education Act
- Maryland Food Supplement Program

Name Printed Date

Signature Soundex # (Driver's License#)

Case Manager Signature

Mail completed form to: **OR** **Fax Completed Form to:**

Maryland Motor Vehicle Administration **410-582-4939**

Ignition Interlock Unit 410-762-5088

6601 Ritchie Hwy, N.E. RM 124

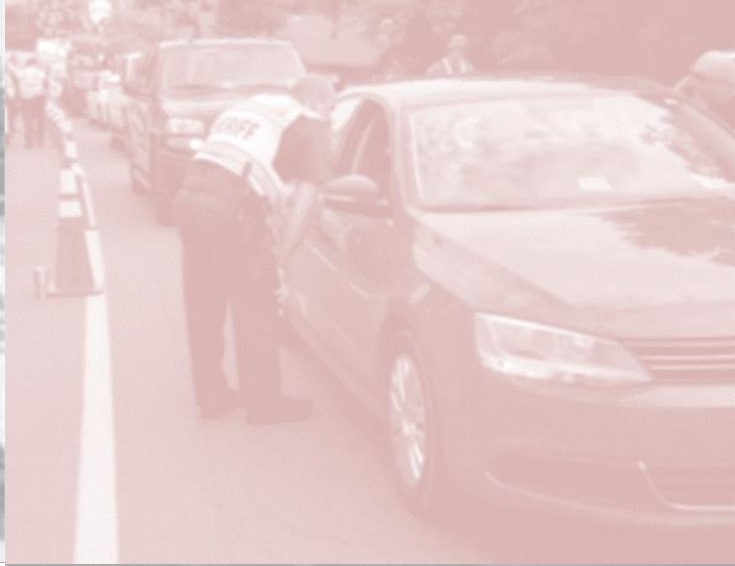
Glen Burnie, MD 21062

For more information, please call: **1-800-950-1MVA (1682)** (to speak with a customer service representative),
From Out-of-State: **1-301-729-4550**, TTY for the hearing impaired: **1-800-492-4575**. Visit our website at: www.MVA.Maryland.gov

Interlock-Program-Status-Report.pdf

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Position: FAV



Maryland's Ignition Interlock Program

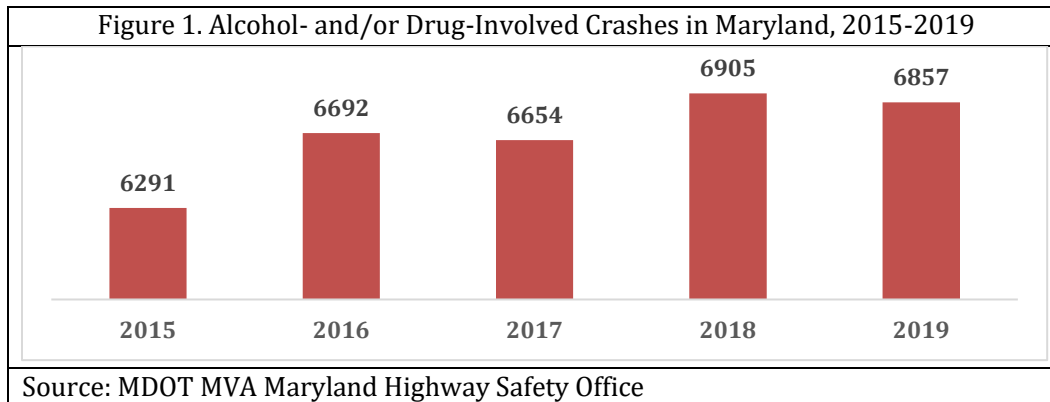
FY 2020 Status Report

February 2021



Introduction

Drunk and drug-impaired drivers cause irreparable harm to individuals, families, and communities across Maryland. Impaired driving crashes have increased by approximately nine percent since 2015 and have remained relatively steady over the past two years. While only one in 50 crashes involving driver impairment resulted in a fatality in 2019, more than one-fourth (26.5%) of all fatal crashes in the state involved alcohol and/or drugs.



To combat this problem, Maryland employs a comprehensive approach that combines strict laws, license sanctions, a robust ignition interlock program, high-visibility law enforcement and public outreach.

Expanding the reach of Maryland's Ignition Interlock Program is a key strategy in the state's fight against impaired driving. Research has repeatedly found that drivers who have interlocks installed are up to 75 percent less likely to have a repeat drunk-driving offense than drunk drivers who do not have an interlock device installed¹.

In Fiscal Year (FY) 2020, Maryland's Ignition Interlock Program prevented more than 3,800 attempts to start or operate a vehicle where the driver's blood alcohol concentration² (BAC) was greater than 0.08 grams of alcohol per deciliter of blood (g/dL) – the legal limit in Maryland.

Impaired Driving Arrests in Maryland

Impaired driving arrests are a critical intervention point in the fight against drunk and drug-impaired driving. From 2015 to 2019, more than 99,000 impaired driving arrests were made in Maryland. During this period, the number of arrests decreased from by 18 percent from 2015 to 2019, and the number of citations issued declined by 15% during the same period.

¹ See Elder, R. W., Voas, R., Beirness, D., Shults, R. A., Sleet, D. A., Nichols, J. L., & Compton, R. (2011). Effectiveness of ignition interlocks for preventing alcohol-impaired driving and alcohol-related crashes: A community guide systematic review. *American Journal of Preventative Medicine*, 40(3), 362-376. Elvik, R. (2013). Risk of road accident associated with the use of drugs: A systematic review and meta-analysis of evidence from epidemiological studies. *Accident Analysis and Prevention*, 60, 254-267 and Government Accountability Office. (2014, June). *Traffic Safety: Alcohol ignition interlocks are effective while installed; less is known about how to increase installation rates* (Report No. GAO-14-559).

² Blood/Breath Alcohol Concentration (BAC) is the amount of alcohol in a breath or blood sample. BAC is expressed as the weight of ethanol, in grams, in deciliter of blood (g/dL), or 210 liters of breath. All BAC data presented in this report is expressed in g/dL unless otherwise noted.

Table 1: Impaired Driving Arrests and §21-902 Citations, CY 2015 - 2019					
	2015	2016	2017	2018	2019
Arrests	22,753	20,439	19,302	18,508	18,626
Citations	61,900	54,040	51,881	50,171	52,588
Source: University of Maryland Baltimore/STAR-ORC/NSC using District Court of Maryland data					

Typically, at the time of an arrest, but before a chemical test is offered, the suspected impaired driver is advised on their rights and presented with an *Advice of Rights*, Form DR-15. The DR-15 describes the administrative sanctions related to Maryland driving privileges. It also advises drivers about additional penalties that may be imposed, and the ability to opt into the Ignition Interlock Program. The driver must indicate on the form whether they agree or refusal to take the test. The police officer and driver both sign and date the form.

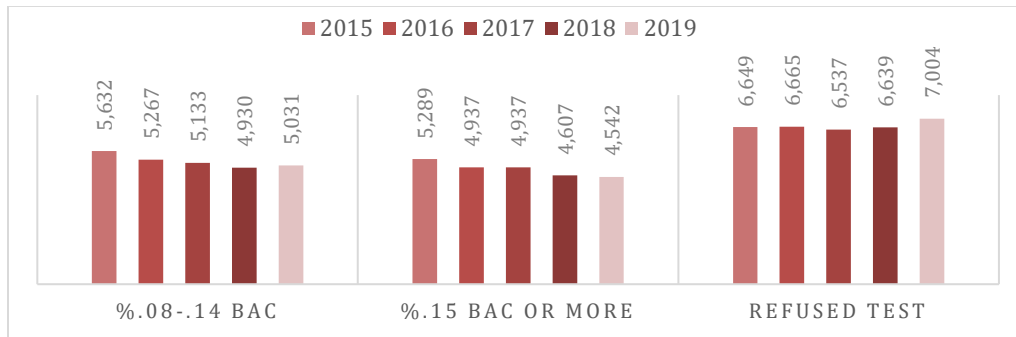
According to Maryland State Police (MSP) summary report data for 2019, nearly 37 percent of drivers that were offered a chemical breath refused. Of the drivers who agreed to the test, nearly 80 percent had a BAC levels above the legal limit and 37 percent of these had BAC levels of 0.15 or higher.

Table 2. Chemical Testing for §21-902 (a) and (b) Offenses, 2015-2019					
	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*

As shown in Figure 2, between 2015 and 2019, the number of test results between 0.08 and 0.14 BAC fell by more than 10 percent, and the number test results at or above 0.15 BAC decreased by 14 percent. During this same period, the number of drivers who refused a chemical test increased slightly, from 6,649 in 2015 to 7,004 in 2019.

Figure 2. Driver Chemical Test Results 0.08 BAC or Higher, Test Refusals, 2015 – 2019



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

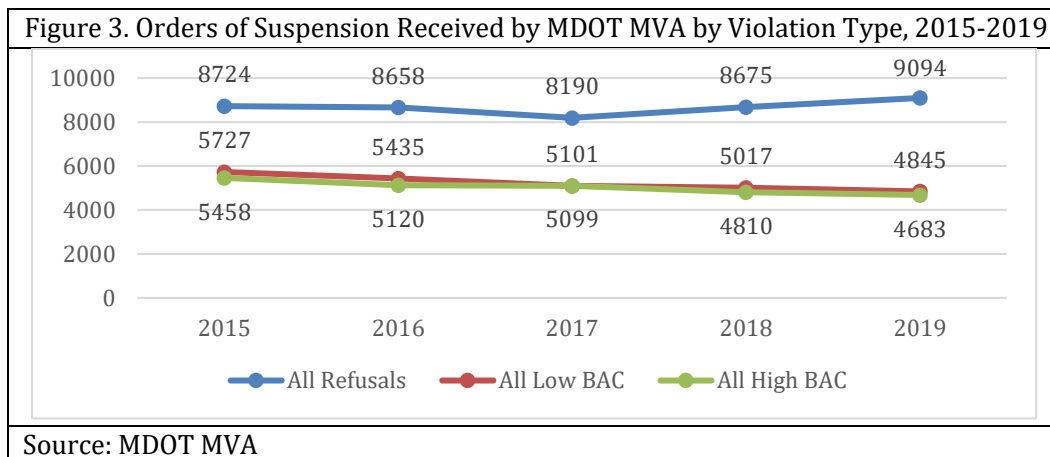
Drivers who consent to a chemical test and whose test results indicate a BAC of 0.08 or higher, or who refuse a chemical test are issued an administrative *Order of Suspension* and a copy is sent to Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA). The driver will also be issued criminal citations by law enforcement officers for one or more impaired driving offenses, depending on the circumstances.

Drivers who consent to a chemical test but whose test results are less than 0.08% BAC are not issued an administrative Order of Suspension but may be cited for impaired driving offenses, depending on the circumstances. Drivers with an alcohol restriction or were operating a commercial vehicle with a BAC of 0.04 or higher also face additional sanctions.

Administrative Sanctions under §16-205.1

On average, MDOT MVA receives more than 18,000 Orders of Suspension each year. Each Order of Suspension indicates whether the driver refused a chemical test, was tested with a BAC of 0.08 to 0.14, or was tested with a BAC of 0.15 or greater.

Figure 3 summarizes the number of Orders of Suspension received by MDOT MVA between 2015 and 2019, by violation type. The number of Orders of Suspensions received by MDOT MVA for BAC violations (test results of 0.08 or higher) decreased each year from 11,185 in 2015 to 9,528 in 2019, with a total decrease of nearly 15 percent. By contrast, the total number of Orders of Suspension received for test refusals increased in three of the last four years.

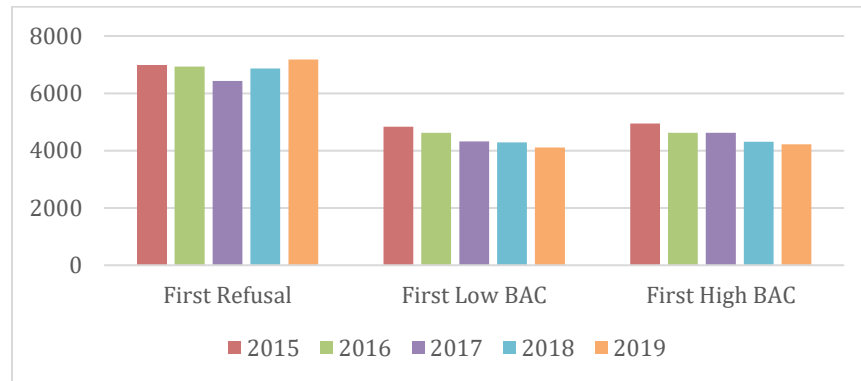


Administrative Per Se violations classified by chemical test results (or refusal) and whether it is a first violation or a second or subsequent violation.

First Violations

Among first administrative per se violations, total BAC violations (all test results of 0.08 or higher) declined from 9,777 in 2015 to 8,333 in 2019, a decrease of 15 percent. First test refusal violations changed only slightly, from 6,993 in 2015 to 7,179 in 2019, as shown in Figure 4.

Figure 4: Orders of Suspension Received by Type, as A First Offense, 2015 – 2019

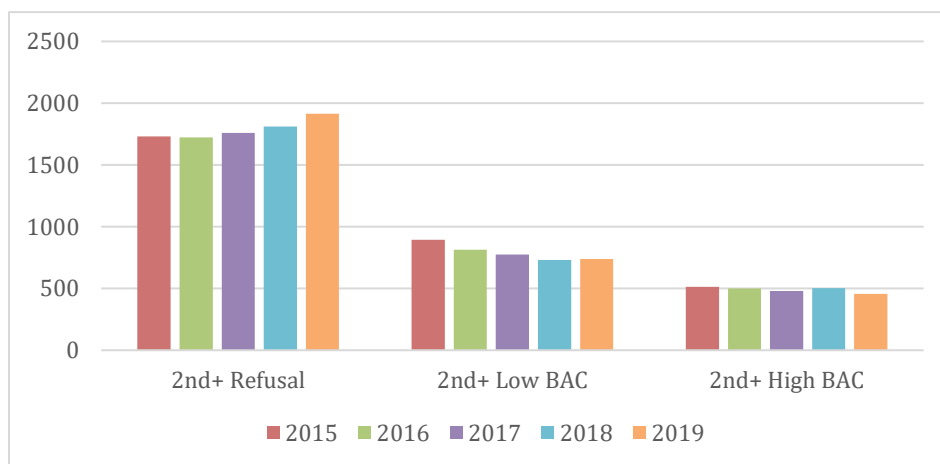


Source: MDOT MVA

Second or Subsequent Violations

Among administrative per se violations that were second or subsequent offenses, BAC violations decreased from 1,408 in 2015 to 1,195 in 2019, a decrease of 15 percent. During the same period, the number of test refusal violations increased, from 1,731 in 2015 to 1,915 in 2019, an increase of 10 percent, as shown in Figure 5.

Figure 5: Orders of Suspension Received by Type, as a Second or Subsequent Offense, 2015 – 2019



Source: MDOT MVA

Administrative Hearings

Once an *Order of Suspension* has been issued, a driver has 30 days to request an administrative hearing. If no hearing is requested within this period, the driver's license is suspended on 46th day after the *Order of Suspension* was issued. In 2019, the average time from arrest to OAH hearing was 104 days.

Opting-in to Ignition Interlock for Administrative Violations

Drivers who have been issued an Order of Suspension, if eligible, may choose to participate in the Ignition Interlock Program (IIP) voluntarily, in lieu of serving a license suspension. The length of the participation is determined by the type of offense. The number of drivers electing to participate in the IIP increased significantly after the *Drunk Driving Reduction Act of 2016*, also known as Noah's Law, took effect in October 2016. This law significantly increased the length of suspension periods for most Per Se violations, making participation in IIP a more attractive option.

Citations and Court Dispositions

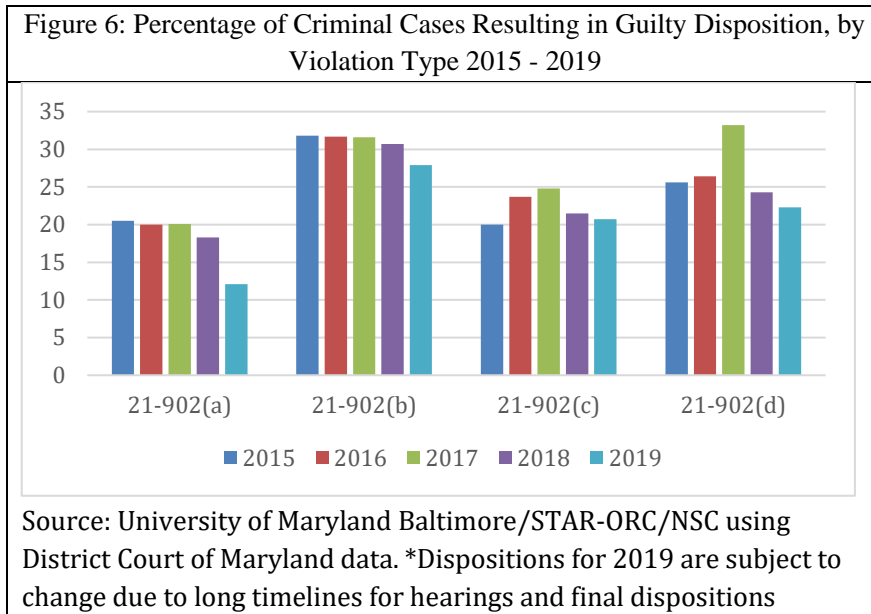
On average, each impaired driving arrest results in two to three citations being issued to the driver. In the past five years, nearly 270,000 impaired driving citations have been issued in Maryland.

Table 3 shows final case dispositions from 2015 to 2019* for each type of §21-902 violation by year. The combined effect of fewer arrests and citations issued, as shown in Table 3, and the decreased conviction rate for §21-902(a) violations resulted in a decrease in the total number of §21-902(a) convictions from 2,538 in 2015 to 1,305 in 2019.

	2015	2016	2017	2018	2019*
§21-902(a) Driving Under the Influence of Alcohol					
Guilty	2538	2312	2046	1727	1305
PBJ	4451	4414	4153	3913	3076
Other Disposition	5363	4821	4002	3793	6371
§21-902(b) Driving While Impaired by Alcohol					
Guilty	2,628	2,390	2262	2202	1640
PBJ	5002	4,612	4424	4423	3652
Other Disposition	625	535	482	605	577
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol					
Guilty	213	299	256	271	281
PBJ	255	288	298	370	310
Other Disposition	598	675	480	620	768
§21-902(d) Driving While Impaired by Controlled Dangerous Substance					
Guilty	111	129	166	140	143
PBJ	69	105	113	151	134
Other Disposition	253	254	221	285	363

Source: University of Maryland Baltimore/STAR-ORC/NSC using District Court of Maryland data.
 *Dispositions for 2019 are subject to change due to long timelines for hearings and final dispositions

Figure 6 illustrates the proportion of all §21-902 offenses from 2015 through 2019 that result in a Guilty disposition. During this period, the percentage of §21-902 cases overall resulting in Guilty dispositions declined from 28% in 2015 to less than 24% in 2019. The percentage of §21-902(a) offenses that resulted in a Guilty disposition fell from 24.5% in 2015 to 19% in 2019.



Maryland's Ignition Interlock Program

Maryland's Ignition Interlock Program, one of the nation's first, is managed by MDOT MVA and provides Maryland drivers with an alternative to license suspension or revocation and allows them to continue driving while reducing the likelihood they will drive impaired by alcohol. Ignition interlock devices connect a motor vehicle's ignition system to a breath testing unit that measures a driver's breath alcohol level. The driver must blow into the device, allowing it to capture a breath sample and calculate the driver's BAC. If the device detects a BAC greater than 0.025, it will prevent the vehicle from starting. After a driver has passed this initial test and the car has been started, random rolling retests are required to be certain the driver has not consumed alcohol.

Ignition interlock devices installed in participants' vehicles store the results of breath tests and other data which is downloaded by the ignition interlock service provider when the driver brings the vehicle in for monthly service and calibration. These data are securely transferred to MDOT MVA's computer system, which automatically reviews the data and identifies potential violations. These potential violations are forwarded to Ignition Interlock Program staff for review and appropriate action. This automated process allows MDOT MVA to efficiently monitor participants and provide ongoing feedback to program violators.

Ignition interlock devices incorporate safeguards against circumvention of starting and retesting procedures. Attempts to bypass the device are recorded and marked as violations. To detect if persons

other than the driver provide the required breath sample, ignition interlock devices used in Maryland must be equipped with integrated digital cameras. These devices store a digital image each time a breath sample is collected; these images are available for later retrieval to confirm that the participant provided the required breath sample. Images are reviewed by IIP staff as a part of the normal case audit process, in a random-sample audit of images received, and in the review of violations sent to case managers for assessment.

Currently, there are eight service providers authorized to install and monitor ignition interlock devices in Maryland.

Alcohol Detection Systems	Draeger Interlock	Guardian Interlock
Intoxalock	LifeSafer	Low Cost Interlock
Sens-O-Lock	Smart Start Interlock	

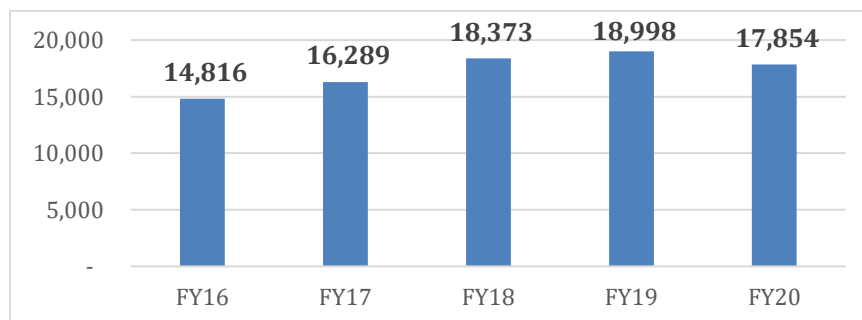
By regulation, all service providers must install a device for eligible participants within 10 days of a request and provide a toll-free 24-hour emergency response number for participants. The cost to install an ignition interlock device typically range from approximately \$70 to \$150, depending on the provider. Many providers offer discounts for fees associated with initial installation and account set up. Average cost for monthly monitoring ranges from approximately \$75 to \$100; these costs are comparable to fees charged by providers in other states. Participants can request an administrative program fee waiver and/or reduced provider fees if they meet certain eligibility requirements.

Ignition Interlock Program Participation

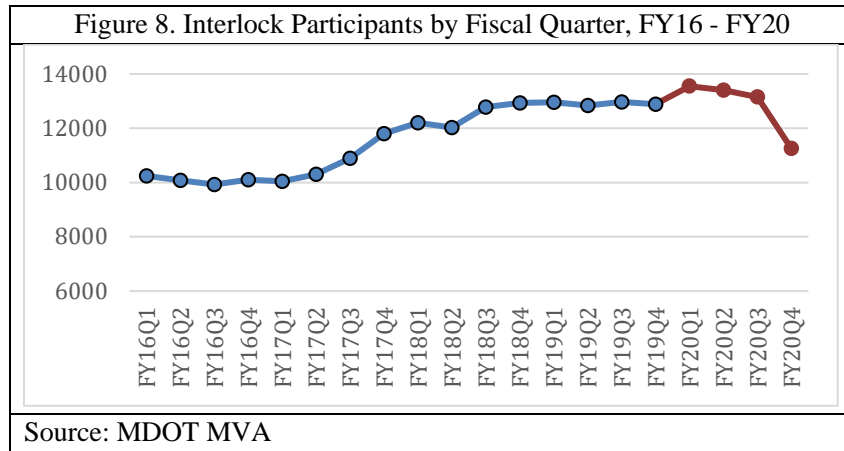
Maryland’s Ignition Interlock Program monitors thousands of participating drivers each year. The total number of drivers in the program fluctuates daily, as new drivers enter the program and others complete the program or are removed from the program for noncompliance. The numbers of unique drivers with one or more active Ignition Interlock Program referrals are tracked on a quarterly basis as well as annually.

As shown in Figure 7, the total number of program participants decreased slightly in FY 2020 to 17,854, from 18,998 in FY 2019. As shown in Figure 8, participation remained even in the first quarter of the year, before declining in the final quarter, from April to June 2020.

Figure 7. Interlock Program Annual Participation (Unique Participants), FY2017 - FY2020



Source: MDOT MVA



Program Referral Sources

In addition to opting into the IIP for administrative per se violations, drivers are referred to the IIP for a number of other reasons – as a result of an impaired driving conviction, as a term of probation mandated by a Maryland court, or as a requirement of the reinstatement of driving privileges that have been revoked. Many drivers are referred to the program from more than one source and it is common for drivers to have multiple referrals that are active at the same time. For example, a driver can have an active referral after opting into the program for an administrative per se offense and have a second or third active referral arising from a conviction arising from the same incident, or for points assigned to their driving record as a result of the conviction.

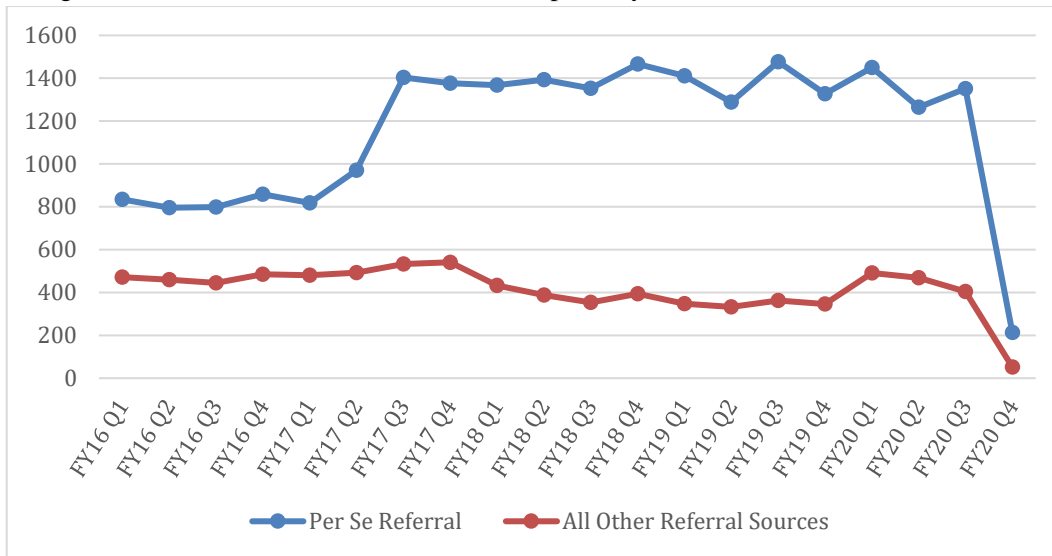
Administrative Per Se Program Referrals

Sanctions for per se violations take effect on the 46th day after the date of violation, unless the customer requests a hearing or opts into the Ignition Interlock Program. By contrast, on average, convictions for impaired driving citations occur 190 days after arrest. Customers that opt in for a per se violation typically enter the program significantly sooner than if they enter only after a conviction.

In FY 2020, 7,323 drivers participated in the Ignition Interlock Program for the first time, up from 6,893 in FY 2019, a decrease of 3.6 percent.

Figure 9 shows the levels of first-time participation, comparing administrative per se referrals to referrals from all other sources (e.g. court referral or as a requirement of license reinstatement) from FY 2015 to FY 2020. The number of first-time Ignition Interlock Program customers entered with a Per Se referral significantly increased following the implementation of Noah’s Law in Q2 of FY 2017. State Operational closures due to the COVID-19 State of Emergency significantly impacted first time enrollments in the last quarter of FY 2020.

Figure 9: First Referral Source of New Participants by Fiscal Quarter, FY 2016 – FY 2020



Source: MDOT MVA

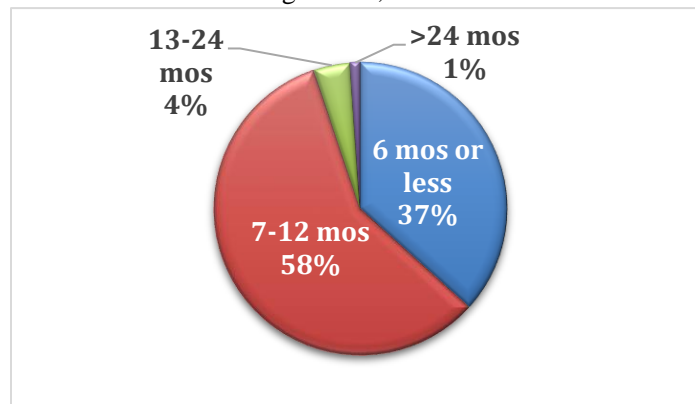
Post-Conviction Program Referrals

In addition to the increase in administrative per se sanctions, Noah’s Law expanded the mandates for program participation by drivers convicted of: Driving Under the Influence (DUI); Driving While Intoxicated (DWI) while transporting a minor under the age of 16; DWI with an initial breathalyzer refusal; or homicide or life-threatening injury by motor vehicle while DUI or DWI. The decline in numbers of impaired driving arrests, citations issued, and the percentage of drivers found guilty of those offenses has resulted in fewer drivers being subject to these mandates.

Length of Participation

Figure 10 shows the length of time participants who completed the program were enrolled in the IIP. More than half of the participants spent one year or less in the program. The majority of IIP referrals completed in FY were between 7 and 12 months. Repeat offenders can be referred to the IIP for terms of up to three years.

Figure 10: Length of Completed Ignition Interlock Assignments, FY 2020



Source: MDOT MVA

Participation Requirements

Once enrolled in the IIP, drivers are required to report to their service provider every 30 days to have the ignition interlock device calibrated and so the data captured from the device can be downloaded. Failure to report for required calibration and service can result in removal from the program and suspension of the driver's license.

Violations of the Ignition Interlock Program rules and requirements include, but are not limited to the following:

- Failure to have the ignition interlock device installed and obtain a Maryland driver's license restricted to the operation of vehicles equipped with an ignition interlock device;
- Failure to appear for the required monthly monitoring visit;
- Operating a motor vehicle not equipped with a functioning ignition interlock device approved for use in the program;
- Failure to abide by the terms and conditions of the service agreement with the ignition interlock service provider, including payment of all costs and fees associated with the program;
- Tampering with, bypassing, or otherwise removing or rendering inoperable the ignition interlock device, or allowing someone else to do the same;
- Attempting to start or operate the vehicle with BAC greater than 0.025;
- Failure to submit to retests after starting the car; and
- Any license suspension or revocation imposed while participating in the program.

Consequences of Program Violations

In FY 2020 2,450 drivers were removed from the IIP for noncompliance and did not reenter the program., down from 2,078 in FY 2019. If a driver is removed from the program, they may re-enter the program for the duration initially assigned after a minimum suspension period of 30 days. Since 2011, approximately 3,400 drivers have re-entered the program after having been removed for noncompliance.

The IIP continues to stop customers from driving after consuming alcohol. In FY 2020, more than 3,800 drunk driving trips were prevented when an ignition interlock device stopped a driver from starting their vehicle when their breath alcohol concentration was above the legal limit. Also, in FY 2020, more than 6,300 drivers had ignition interlock violations where the breath sample was collected, and the value was greater than 0.025 BAC.

Completing the Program

Under Noah's Law, a participant is considered to have successfully completed the program when MDOT MVA receives certification from the service provider that there were no violations in the final three months of their assignment. To successfully complete the program, participants may not have any of the following violations in the three months prior to completion:

- An attempt to start the vehicle with a BAC of 0.04 g/dL or more unless a subsequent test is performed within 10 minutes that registers a BAC lower than 0.04 g/dL;
- Failure to take or pass a random test with a BAC of 0.025 g/dL or lower unless a subsequent retest performed within 10 minutes registers a BAC lower than 0.025 g/dL; or

- Failure to appear at the approved service provider when required for maintenance, repair, calibration monitoring, inspection or replacement of the device causing the device to cease to function.

Any violations meeting these criteria in the last three months of an assignment extends the participation end date to three months from the date of the violation.

Once the driver has successfully completed the required participation period, including any extensions, the driver must bring their vehicle to their ignition interlock service center for a final data download. If no violations are noted, MDOT MVA mails a letter of successful completion to the driver. The driver can take this completion letter to any MDOT MVA branch office to receiving a new, unrestricted license; the driver can then have the ignition interlock device removed from their vehicle.

In FY 2020, 6,815 drivers successfully completed their assignments to the program with no new assignments in the fiscal year, up from 6,521 in FY 2019, an increase of approximately five percent.

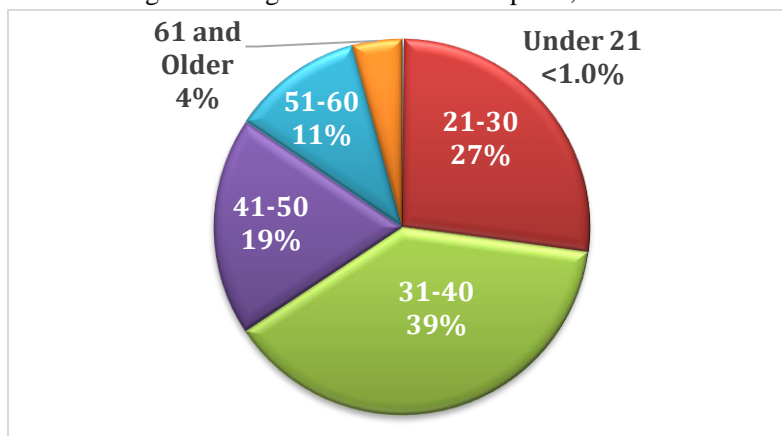
Credit for Successful Completion

Under the provisions of Noah’s Law, a driver can receive credit for successful participation in the IIP for an administrative per se offense. If the driver is subsequently convicted of an impaired driving offense related to the same incident and is required to participate in the IIP, the driver receives credit for their participation for the administrative per se offense, if they successfully completed their referral. This offers additional incentive for drivers to voluntarily participate in lieu of serving an administrative per se suspension. To date, more than 8,500 Interlock customers have received credit for successful per se participation.

Participant Demographics

More than half of the individuals who participated in the Ignition Interlock Program in FY 2020 were between the ages of 21 and 40. In addition, more than three-quarters of program participants were age 50 years or younger, as shown in Figure 11. Among all age categories, nearly 80 percent of participants were male.

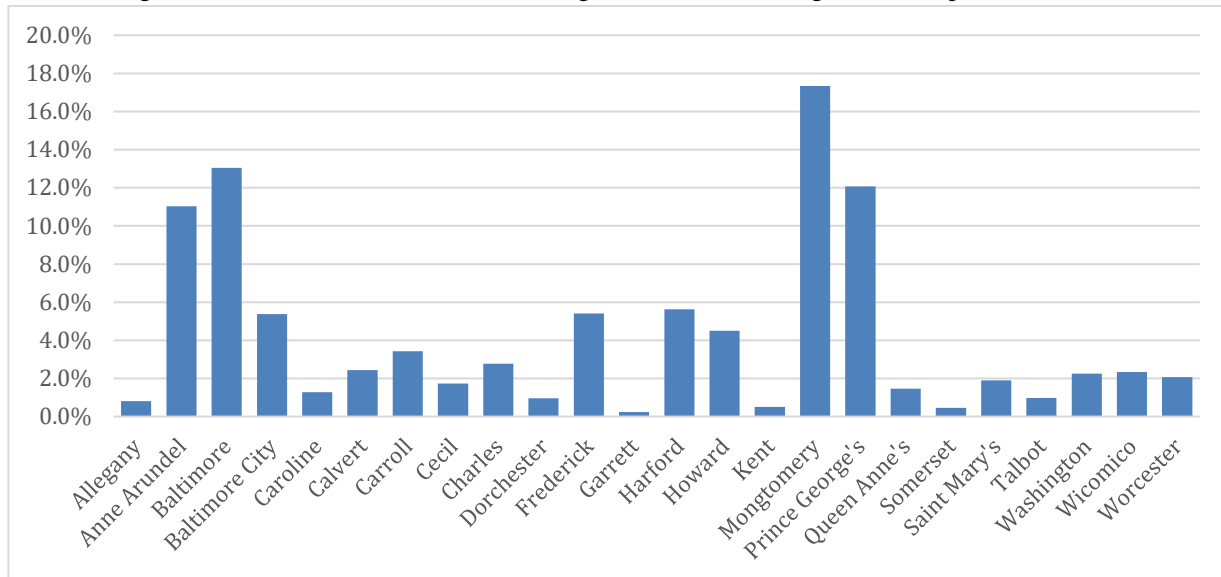
Figure 11: Age of Interlock Participants, FY 2020



Source: MDOT MVA

Figure 12 shows the jurisdiction of residence of Ignition Interlock Program participants. More than 50 percent of the participants in the program in FY 2020 resided in Anne Arundel, Baltimore, Montgomery, and Prince George's counties.

Figure 12: Jurisdiction of Residence for Ignition Interlock Program Participants, FY 2020



Source: MDOT MVA

Conclusion

Each year in Maryland, more than 160 people are killed in alcohol- and/or drug-involved traffic crashes on average. Maryland's Ignition Interlock Program remains an important part of the state's comprehensive approach to reducing impaired driving crashes and the devastating impact these crashes have on our families and communities. Each year, the IIP prevents thousands of attempts to drive while impaired by alcohol, while allowing responsible participants to continue to drive.

The impacts of the COVID-19 State of Emergency had impacts on program participation in the final quarter of FY 2020. Some of these impacts continue into FY 2021; however, ignition interlock devices continue to protect travelers on Maryland's streets and highways.

To learn more about Maryland's highway safety programs, see <https://zerodeathsmd.gov/>

Responsibility.Org SB 672 Support.pdf

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Position: FAV

**TESTIMONY OF
Chris Swonger
ON BEHALF OF
The Distilled Spirits Council of the United States and
The Foundation for Advancing Alcohol Responsibility (Responsibility.org)
In support of Senate Bill 672**

**Senate Committee on Judicial Proceedings
Maryland State Senate
February 23, 2021**

Good afternoon Chairman Smith and distinguished members of the committee. Thank you for the opportunity to testify in support of Maryland Senate Bill 672. My name is Chris Swonger and I am the President and CEO at The Distilled Spirits Council of the United States (DISCUS) and the Foundation for Advancing Alcohol Responsibility (Responsibility.org).

DISCUS is the national trade association representing leading producers and marketers of distilled spirits products in the United States.

Responsibility.org is a national not-for-profit organization dedicated to eliminating drunk driving and underage drinking. We are funded by the following distillers: Bacardi U.S.A., Inc.; Beam Suntory; Brown-Forman; DIAGEO; Edrington; Mast-Jägermeister US Inc.; Moët Hennessy USA; Ole Smoky LLC; and Pernod Ricard USA. For 30 years, Responsibility.org has transformed lives through programs that bring individuals, families and communities together to guide a lifetime of conversations around alcohol responsibility and by offering proven strategies to stop impaired driving.

I urge passage of SB 672 which would expand the use of ignition interlocks by mandating the use of this technology for DUI offenders who receive probation before judgment (PBJ). Currently, 34 states and DC require ignition interlocks for all DUI offenders. Maryland has one of the best ignition interlock programs in the country, but it contains a dangerous loophole, and this bill would close it.

Maryland passed Noah's Law in 2016 in remembrance of Montgomery County Police Officer Noah Leotta who died on Dec. 10, 2015 after being struck by an impaired driver while he was on DUI patrol. We applaud the Maryland legislature for passing Noah's Law which mandated the use of ignition interlocks for convicted DUI offenders.

I had the honor of meeting Noah's father, Rich Leotta, in 2019 and I have sat in a courtroom with him as we watched numerous DUI offenders be sentenced. The intent of Noah's Law was to make sure all DUI offenders have interlocks placed on their vehicles to protect the public and to give DUI offenders an opportunity to change their behavior. The interlock is one of the most effective ways to prevent drunk driving.

However, many first-time DUI offenders in Maryland who receive probation before judgment are not sentenced to install ignition interlocks. This is the loophole in Noah's Law. Passage of SB 672 would close it and save lives.

Last year, I promised Mr. Leotta I would join him and the many other groups that support SB 672 to realize the law's original intent – that every impaired driver have an ignition interlock on their car, including people who receive PBJ. The reasons are clear:

- The CDC estimates that drunk drivers drive repeatedly before ever being detected and arrested (average of 80 times before first arrest).
- Research shows that many first offenders meet the criteria for alcohol abuse of dependence (Wieczorek, 1992; Couillou et al., 2007).
- Requiring convicted DUI offenders to install an interlock was associated with a 15% reduction in the rate of alcohol-involved crash deaths (Kaufman and Wiebe 2016).

Maryland has the chance to make its program the finest ignition interlock program in the country by passing SB 672. Please pass this bill into law without delay. It will save lives in Maryland.

Thank you.

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Position: FAV

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Kurt Erickson
WRAP President & CEO



WASHINGTON REGIONAL ALCOHOL PROGRAM

7700 Leesburg Pike, Suite 249 ■ Falls Church, VA 22043 ■ TEL 703.893.0461 ■ FAX 703.893.0465 ■ www.wrap.org ■ Email: wrap@wrap.org

February 23, 2021

Members of the Judicial Proceedings Committee
Maryland Senate
Annapolis, Maryland

Re.: Support for "Drunk Driving Offenses – Ignition Interlock System Program,"
Senate Bill 672, Senator Waldstreicher (D-Montgomery County)

**"Interlocks typically are used as a condition of probation
for DWI offenders, to prevent them from driving while impaired by
alcohol after their driver's licenses have been reinstated."**

– National Highway Traffic Safety Administration (NHTSA), "Countermeasures That Work," April 2018

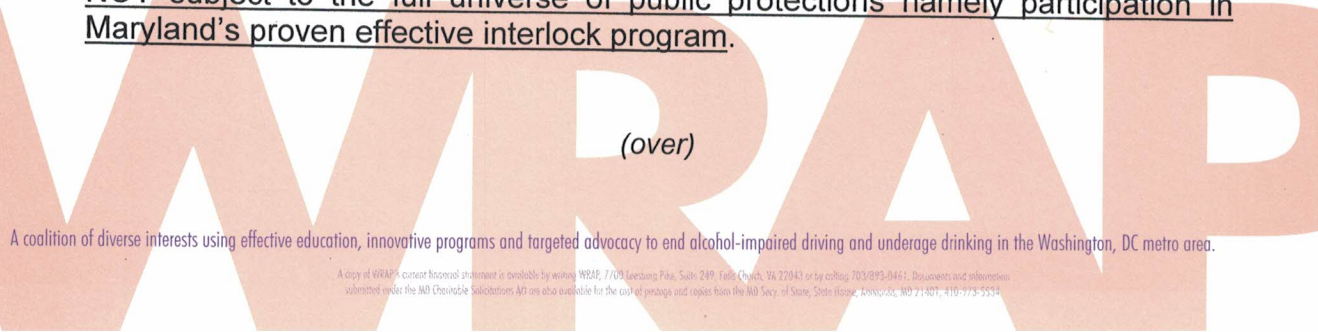
Dear Senators:

On behalf of the Maryland nonprofit Washington Regional Alcohol Program's (WRAP) Board of Directors, staff, volunteers and the more than six-million Maryland residents we serve in the fight against drunk driving and underage drinking (including having served as project director of both Maryland's Checkpoint Strikeforce campaign and "Maryland Remembers" ceremony), I wanted to formally communicate to you **WRAP's unequivocal support for Senate Bill 672, "Drunk Driving Offenses – Ignition Interlock System Program"** (Senator Jeff Waldstreicher, D-Montgomery County).

Succinctly, Senate Bill 672 seeks to expand the universe of persons subject to Maryland's Ignition Interlock System Program to include persons put on probation for either a driving under the influence of alcohol (DUI, 21-902[a]) or driving while impaired by alcohol (DWI, 21-902[b]) violation.

According to the Maryland Motor Vehicle Administration (MVA) (pending "Maryland's Ignition Interlock Program, Status Report," 2020), 40-percent (40.4%) of persons adjudicated for either DUI or DWI in Maryland in 2019 were granted probation in the form of probation before judgment (PBJ) and therefore NOT subject to the full universe of public protections namely participation in Maryland's proven effective interlock program.

(over)



A coalition of diverse interests using effective education, innovative programs and targeted advocacy to end alcohol-impaired driving and underage drinking in the Washington, DC metro area.

A copy of WRAP's contact information is available by writing WRAP, 7700 Leesburg Pike, Suite 249, Falls Church, VA 22043 or by calling 703.893.0461. Documents and information submitted under the MD Open Access Solicitations Act are also available for the cost of postage and copies from the MD Secretary of State, State House, Annapolis, MD 21401, 410-778-5534.

With ignition interlock devices reducing “repeat offenses for driving while intoxicated by about 70-percent” (U.S. Centers for Disease Control) and that interlocks are proven to be “highly effective in allowing a vehicle to be started by sober drivers but not by alcohol-impaired drivers” (NHTSA), Senate Bill 672 looks to simply ensure public safety along that route used by half of persons arrested for drunk driving in Maryland by subjecting *all* 21-902(a) and 21-902(b) offenders to Maryland’s interlock program as a condition of (PBJ) probation.

NHTSA data (“Countermeasures That Work,” April 2018) shows that “interlocks typically are used as a condition of probation for DWI offenders, to prevent them from driving while impaired by alcohol after their driver’s licenses have been reinstated.” The need for such in Maryland is all too clear as fiscal year 2020 MVA data shows that more than 6,300 drivers were prevented from driving after consuming alcohol last year.

Maryland’s interlock program is “an effective tool to help prevent the devastating consequences that can result when an impaired driver gets behind the wheel” (MVA). In a state where nearly a third (32% in 2019, NHTSA) of traffic fatalities still involve drunk drivers, *not* using Maryland’s existing -- and offender-paid -- interlock program for the full universe of DUI and or DWI offenders in the state is, at best, not using every tool in Maryland’s toolbox to prevent drunk driving. At worst, it is potentially deadly as 2019 also bore witness to Maryland posting a nearly 30-percent (29.45%) *increase* in the number of alcohol-impaired traffic fatalities that year (NHTSA).

□□□□□

As a means of both more effectively monitoring a drunk driver’s probation period in Maryland and strengthening Maryland’s “Drunk Driving Reduction Act of 2016” (“Noah’s Law”) which “continues to have an impact on Maryland’s Ignition Interlock Program and is helping to keep drunk drivers off the road” (MVA), the Maryland nonprofit Washington Regional Alcohol Program strongly supports Senate Bill 672. To that end, we also thank you, in advance, for your consideration of favorably reporting this potentially lifesaving legislation.

Thank you, in advance, for your consideration. I may be directly reached with any questions at either 703-893-0461 or at kurt@wrap.org.

Cordially,



Kurt Gregory Erickson
President

VSAB Support Ltr Drunk Driving SB 672.pdf

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Position: FAV



VICTIM SERVICES ADVISORY BOARD

February 23, 2021

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

Re: Support - SB 672 – Drunk Driving Offenses - Ignition Interlock System Program

Dear Chairman Smith:

Senate Bill 672 extends the Ignition Interlock System Program to apply not only to those individuals convicted of drunk driving, but also to first-time convicted drunk drivers who are given a Probation Before Judgment (PBJ). These offenders would be required to use an ignition interlock for 180 days.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on assisting the needs of victims and their family members who experience violent crimes including driving while intoxicated, vehicular manslaughter, homicide, auto theft and carjacking. During a recent six-day period, the Montgomery County Police Alcohol Holiday Task Force arrested 41 individuals for driving under the influence (DUI). Six of those arrested were involved in collisions. (<https://patch.com/maryland/rockville/41-dui-arrests-made-seventh-round-2020-21-alcohol-crackdown>, Jan. 12, 2021) During a subsequent four-day period, that task force arrested 20 more individuals for DUIs where four of these individuals were involved in collisions. A total of 262 people were arrested for DUIs during an eight-week period in our county. (<https://patch.com/maryland/rockville/20-dui-arrests-made-final-round-2020-21-alcohol-crackdown>, Jan. 20, 2021)

According to Mothers Against Drunk Driving (MADD), 32 percent of traffic deaths in Maryland in 2019 were the result of drunk driving crashes. More than 50 percent of offenders whose licenses are suspended without the interlock requirement, continue driving without a license. MADD reports that 67,197 attempts to drive drunk in Maryland have been prevented during the past 13 years by the use of the ignition interlock system. Extending this interlock requirement to PBJ cases would prevent more people from driving drunk and would save many lives.

VSAB asks the committee to issue a favorable report on Senate Bill 672.

Sincerely,

Kathryn Pontzer & Juanita Rogers
VSAB Co-chairs

Department of Health and Human Services

MADD pro SB 672 Frank Harris testimony. 2-23-21.pd

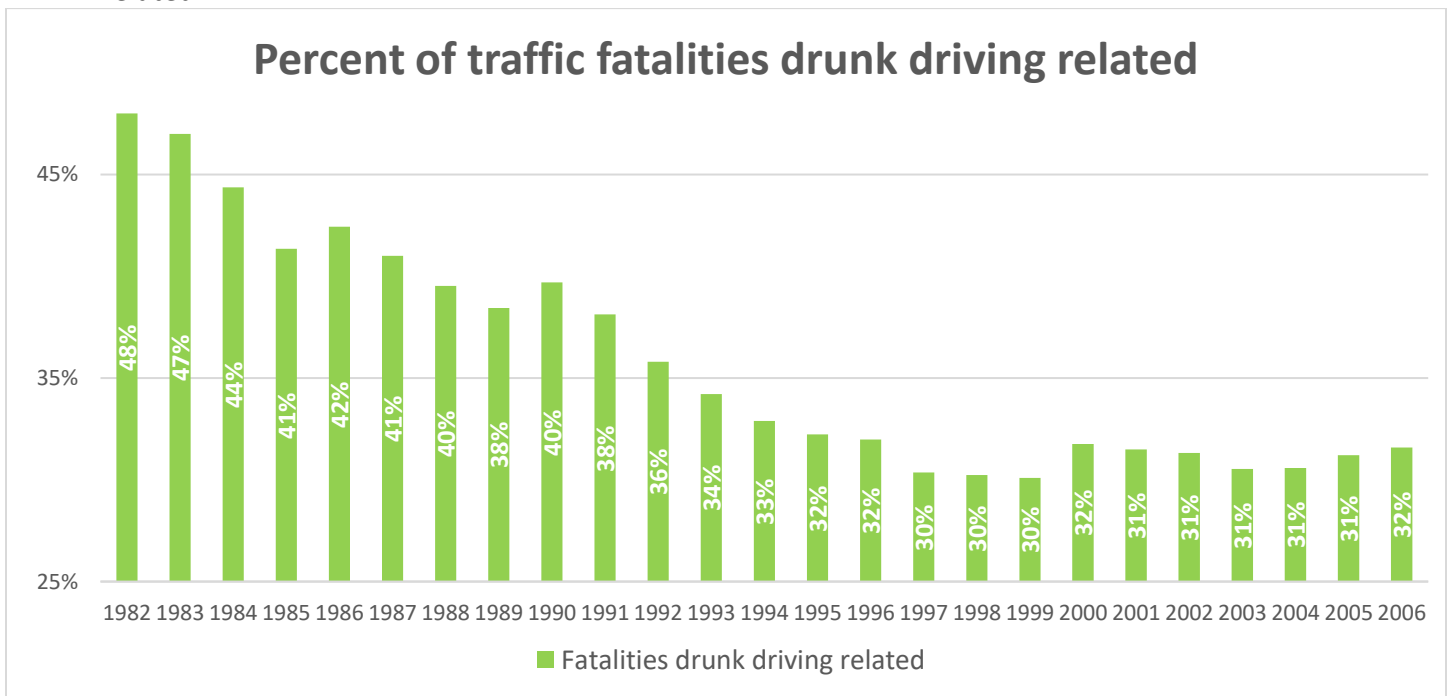
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Position: FAV



Frank Harris
Director of State Government Affairs
Mothers Against Drunk Driving
Testimony in Support of SB 672
Senate Judicial Proceedings Committee
February 23, 2021

- Thank you Mr. Chairman and Members of the Committee for allowing me to testify in support of SB 672. My name is Frank Harris, Director of State Government Affairs, with Mothers Against Drunk Driving.
- Mothers Against Drunk Driving thanks Senator Waldstreicher for authoring this lifesaving legislation, which advances MADD’s goal to stop drunk driving.
- In November 2006, MADD made a sea change in how we approach drunk driving. Instead of focusing on license suspension, punishment and incarceration and a list of other penalties for non-injury related drunk driving offenses, we took a step back to recalibrate how we focus our advocacy efforts.
- We took a step back, because what MADD was pushing for in state legislatures was not making a significant enough of a difference to stop drunk driving. We know this, because since 1994, progress stalled against drunk driving as every year around 1 of every 3 traffic deaths were drunk driving related.

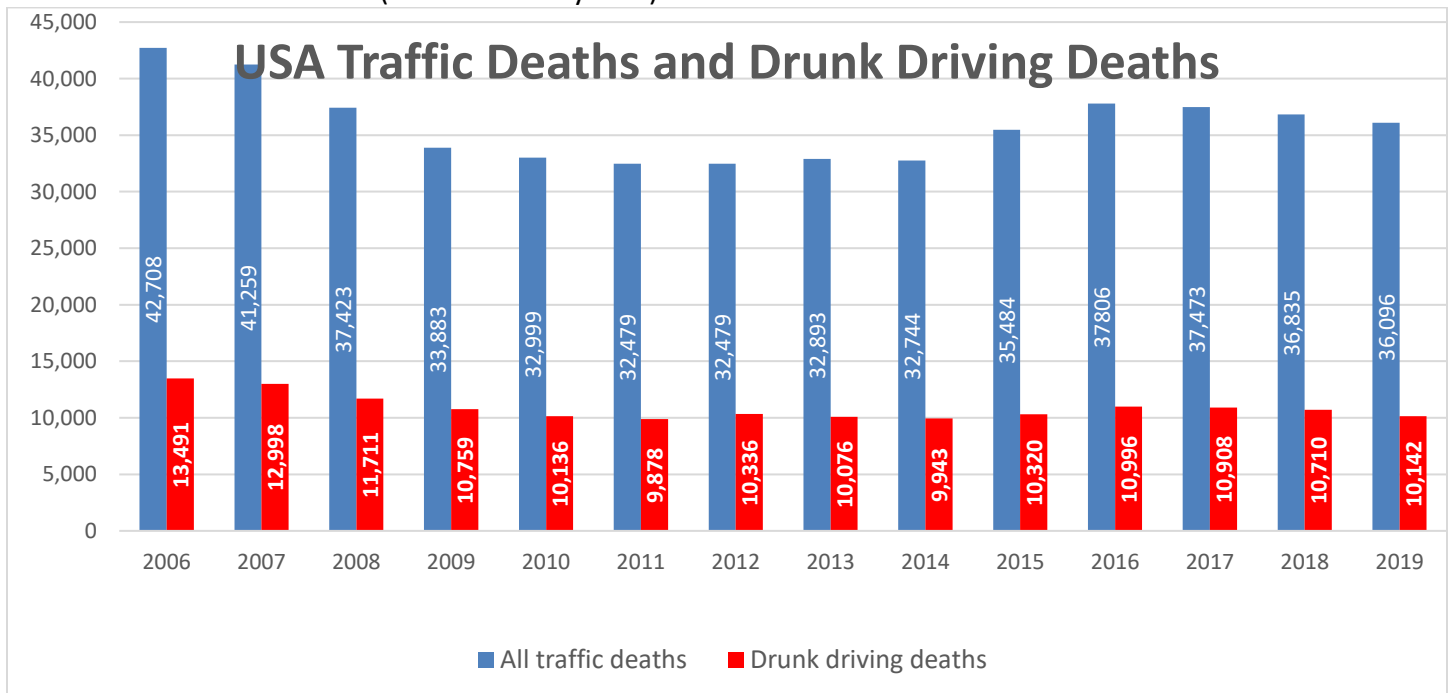


- In 2006, MADD launched the Campaign to Eliminate Drunk Driving. As it relates to our efforts in states, our focus centers around pushing legislation that increases the use of ignition interlocks for drunk drivers. Specifically, our top priority is enacting an all-offender ignition interlock law.
- When MADD launched the Campaign, only one state, New Mexico had an all-offender ignition interlock law in place. Today, 34 states plus DC, including Maryland, have these laws in place.

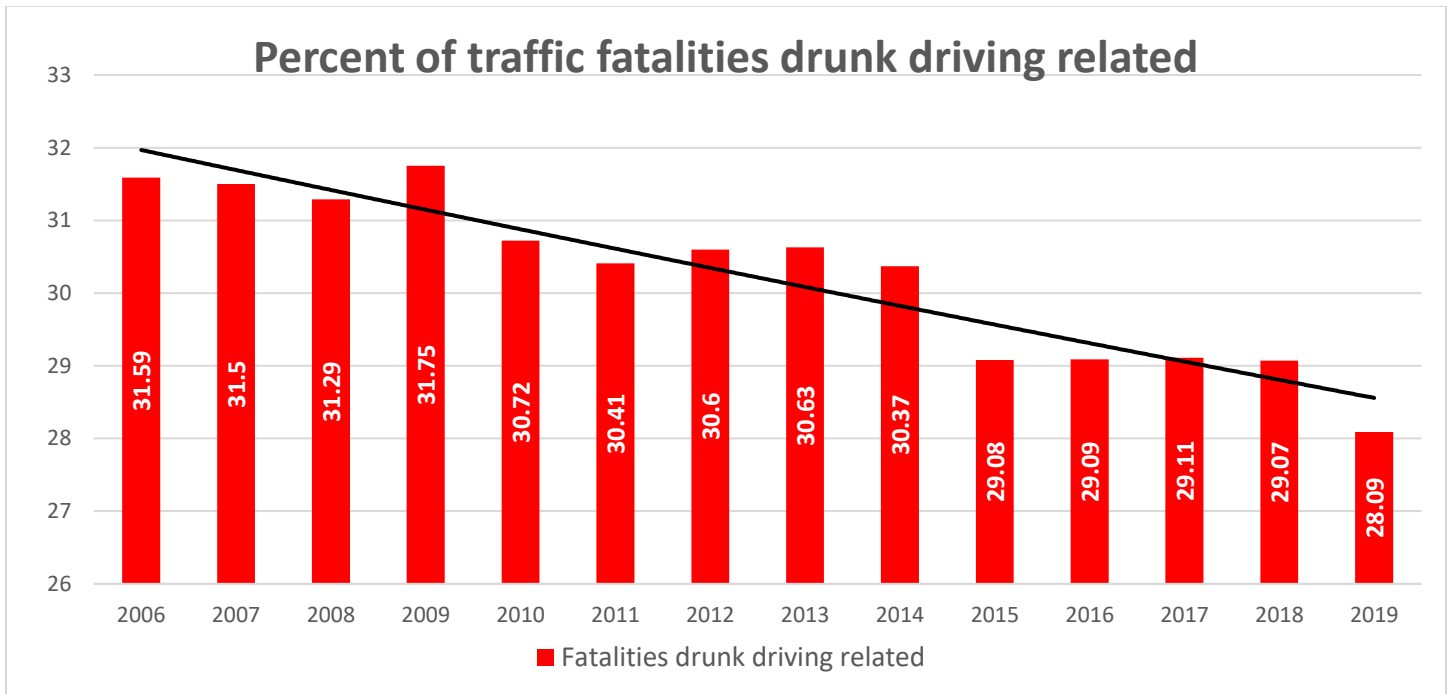
- What we mean by all-offender is that the only way a person can drive during a court or DMV administered license suspension is via an ignition interlock or the person can not drive at all.
- MADD decided to put our faith in interlocks for every drunk driver as this is the only tool that can physically separate drinking from driving while teaching sober driving. We found out that license suspension alone is a hope for the best approach as studies point that people will continue to drive on a DUI suspended license. Hope alone cannot stop drunk driving. According to the Centers for Disease Control and Prevention (CDC), ignition interlocks are 67 percent more effective in reducing repeat offenses compared to license suspension alone.
- Noah’s Law enacted in 2016 made Maryland one of 34 states with an all-offender law. However, like many states with interlock laws, there are loopholes which allow for drunk drivers to fall through the cracks. Some loopholes we experience in the country is the lack of a mechanism which allows indigent users to obtain an interlock at a reduced rate. Maryland currently has in place an indigent program for interlock users unable to afford the device. However, Maryland’s biggest loopholes in their entire impaired driving law is that an ignition interlock is not required for PBJ.

What happened with MADD’s Campaign to Eliminate Drunk Driving?

- So, it has been 15 years, what has happened with MADD’s Campaign to Eliminate Drunk Driving and ignition interlocks?
- Mandatary ignition interlock laws have been well-studied. According to the Insurance Institute for Highway Safety, mandatory interlock laws reduce drunk driving deaths by 16 percent.
- Interlocks prevent drunk driving. In 2006, there were only 101,000 devices in use in the USA. As of 2018, there were nearly 349,000 devices in use.
- From 2006 to 2019, these devices stopped over 26 million attempts to drink and drive and over 3.4 million attempts to legally drive drunk. Yes, 26 million attempts by interlock users to drink and drive were prevented, including over 3.4 million attempts to drive drunk with a BAC of .08 or greater. This shows the power of the device to stop drinking and driving.
- With interlock use increasing since 2006 and millions of attempts to drive drunk stopped, it is no surprise that drunk driving deaths have dropped 25 percent in the USA during this time even though vehicle miles traveled increased. This reduction in drunk driving deaths outpaces the reduction of overall traffic deaths (which was only 15%).



- Earlier in my testimony, I mentioned that prior to 2006, one of every three traffic deaths were caused by drunk drivers. Since MADD launched the Campaign to Eliminate Drunk Driving, the percentage of drunk driving deaths has dropped below 30% and has remained below 30% since 2015.



- MADD firmly believes that increase use of ignition interlocks and the 26 million attempts to drink and drive prevented by these devices played a significant role in reducing drunk driving deaths throughout the United States.
- This is a big deal in the fight against drunk driving, it shows that lawmakers should ensure that no loopholes exist which allow drunk drivers to avoid these lifesaving ignition interlock devices.
- PBJ allows for drunk drivers for a second chance. It allows drunk drivers a chance for redemption. BUT, the current PBJ scheme in Maryland sets participants up to fail and become repeat offenders. The goal of SB 672 is to remedy this failure.
- One drunk driving death is one too many. We still have a long way to go to eliminate drunk driving, but by enacting SB 672, Maryland can continue to make significant progress to stop drunk driving.
- Mr. Chairman and members of the Committee, please pass this legislation to give PBJ drunk drivers a true second chance. Enclosed in my written testimony is more information on ignition interlocks.
- Thank you.

Note: The drunk driving fatality data is from the National Highway Traffic Safety Administration.

Drinking and Driving Attempts Stopped by an Ignition Interlock in 2019

	Total	.08 BAC and over stops	.02 to .79 BAC Stops
Alabama	15,934	1,847	14,087
Alaska	25,823	2,551	23,272
Arizona	142,911	12,332	130,579
Arkansas	131,154	14,699	116,455
California	264,717	25,072	239,645
Colorado	139,020	10,506	128,514
Connecticut	102,693	14,173	88,520
Delaware	7,184	918	6,266
D.C.	2,659	175	2,484
Florida	53,062	8,931	44,131
Georgia	42,142	4,610	37,532
Hawaii	16,526	1,061	15,465
Idaho	9,576	1,104	8,472
Illinois	72,036	6,944	65,092
Indiana	16,872	1,758	15,114
Iowa	207,763	26,681	181,082
Kansas	101,751	9,873	91,878
Kentucky	13,795	1,734	12,061
Louisiana	103,194	15,522	87,672
Maine	8,319	1,302	7,017
Maryland	118,226	9,575	108,651
Massachusetts	36,664	3,806	32,858
Michigan	22,436	2,258	20,178
Minnesota	76,071	7,496	68,575
Mississippi	10,617	1,188	9,429
Missouri	86,021	11,194	74,827
Montana	3,091	314	2,777
Nebraska	44,036	4,178	39,858
Nevada	31,808	3,914	27,894
New Hampshire	8,827	1,175	7,652
New Jersey	73,649	15,759	57,890
New Mexico	46,414	3,862	42,552
New York	44,927	5,589	39,338
North Carolina	24,944	2,689	22,255
North Dakota	238	79	159
Ohio	25,321	3,001	22,320
Oklahoma	100,645	11,080	89,565
Oregon	63,740	5,639	58,101
Pennsylvania	59,564	6,820	52,744
Rhode Island	10,741	1,139	9,602
South Carolina	17,009	1,879	15,130
South Dakota	892	64	828
Tennessee	97,289	9,055	88,234
Texas	248,116	29,649	218,467
Utah	28,780	3,843	24,937
Vermont	14,193	1,267	12,926
Virginia	28,937	2,709	26,228
Washington	154,883	14,225	140,658
West Virginia	15,463	1,642	13,821
Wisconsin	250,743	29,795	220,948
Wyoming	14,331	3,222	11,109
Total	3,235,747	359,898	2,875,849

Data collected from interlock vendors. The time period is from January 1, 2019 to December 31, 2019

Drinking and Driving Attempts Stopped by an Ignition Interlock from 2006 to 2019

	Total	.08 BAC and over stops	.02 to .79 BAC Stops
Alabama	49,498	6,038	43,460
Alaska	220,894	16,942	203,952
Arizona	1,249,701	110,166	1,139,535
Arkansas	802,352	95,604	706,748
California	2,265,139	271,114	1,994,025
Colorado	1,205,273	121,289	1,083,984
Connecticut	638,022	82,109	555,913
Delaware	73,643	6,907	66,736
D.C.	19,669	280	19,389
Florida	1,011,932	98,016	913,916
Georgia	299,811	40,106	259,705
Hawaii	166,636	10,886	155,750
Idaho	65,288	8,076	57,212
Illinois	618,329	121,168	497,161
Indiana	121,371	12,372	108,999
Iowa	1,202,806	157,793	1,045,013
Kansas	1,026,396	116,480	909,916
Kentucky	69,140	6,951	62,189
Louisiana	833,008	118,559	714,449
Maine	67,300	15,896	51,404
Maryland	687,807	67,197	620,610
Massachusetts	296,385	43,288	253,097
Michigan	273,764	30,396	243,368
Minnesota	551,068	81,625	469,443
Mississippi	75,384	8,085	67,299
Missouri	932,526	117,703	814,823
Montana	34,592	6,258	28,334
Nebraska	387,785	38,684	349,101
Nevada	85,399	12,529	72,870
New Hampshire	66,297	12,794	53,503
New Jersey	534,800	103,684	431,116
New Mexico	487,570	83,139	404,431
New York	498,635	103,376	395,259
North Carolina	242,153	25,535	216,618
North Dakota	1,033	401	632
Ohio	210,489	30,679	179,810
Oklahoma	718,993	92,135	626,858
Oregon	375,376	53,723	321,653
Pennsylvania	419,804	84,087	335,717
Rhode Island	57,252	6,126	51,126
South Carolina	87,068	10,604	76,464
South Dakota	10,839	1,843	8,996
Tennessee	513,512	69,047	444,465
Texas	2,390,284	339,246	2,051,038
Utah	182,175	23,226	158,949
Vermont	83,578	10,361	73,217
Virginia	221,018	25,304	195,714
Washington	1,062,974	134,384	928,590
West Virginia	363,151	29,671	333,480
Wisconsin	2,069,523	331,976	1,737,547
Wyoming	104,668	20,115	84,553
Total	26,032,110	3,413,973	22,618,137

Data collected from interlock vendors. The time period is from December 1, 2006 to December 31, 2019



States that Require Ignition Interlocks for Diversion or PBJ Participants

Drunk driving conviction rate varies to as low as 30 percent

In 2017, MADD released a Court Monitoring Report on data we collected on adjudication of drunk driving cases. We looked at 5,691 cases in 12 states and found the average conviction rate was 67 percent. Some states had conviction rates at just over 30 percent.

States that require ignition interlock use for diversion programs

- | | | |
|---------------|------------|--------------|
| ✓ Alabama | ✓ Oregon | ✓ Idaho |
| ✓ Connecticut | ✓ Texas | ✓ Washington |
| ✓ Mississippi | ✓ Oklahoma | |

What is an ignition interlock? Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent compared to license suspension alone. Ignition interlock is a device about the size of a cell phone that is wired into the ignition system of a vehicle. If an interlock user is drunk, the vehicle will not start or operate. Thirty-four states require the use of ignition interlock devices for all drunk drivers, including first offenders.

Over the past 13 years, interlocks have prevented 3.4 million attempts to drive drunk in USA. Imagine how many more attempts to drive drunk will be stopped by implementing a first-time offender diversion program?

Key components to include in a diversion program

- Six months continuous use of an ignition interlock
- Indigent program: A person who cannot afford the device, should have it at a reduced rate with interlock vendors paying for the device.
- With successful completion, plea of guilty to reckless driving, DUI charge is partially sealed. A subsequent DUI offense would count as a second offense.
- Fines, court costs, supervision fees.
- Victim Impact Panel
- Defendants causing injury, damage or with children in vehicle, or having prior similar offense, no driver's license, prior prison sentences, or accompanying felony or drug charges are ineligible to participate.
- The court, prosecutor or other oversight agency has the authority to not allow a person to enter into a diversion agreement.

For more information, please contact MADD Director of State Government Affairs Frank Harris at frank.harris@madd.org or 202.688.1194.



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 | ✓ Vermont: 40 percent | ✓ Oklahoma: 29 percent |
| ✓ Louisiana: 41 percent | ✓ Arizona: 34 percent | ✓ Arkansas: 25 percent |
| ✓ Delaware: 40 percent | ✓ Kansas: 32 percent | ✓ Mississippi: 19 percent |

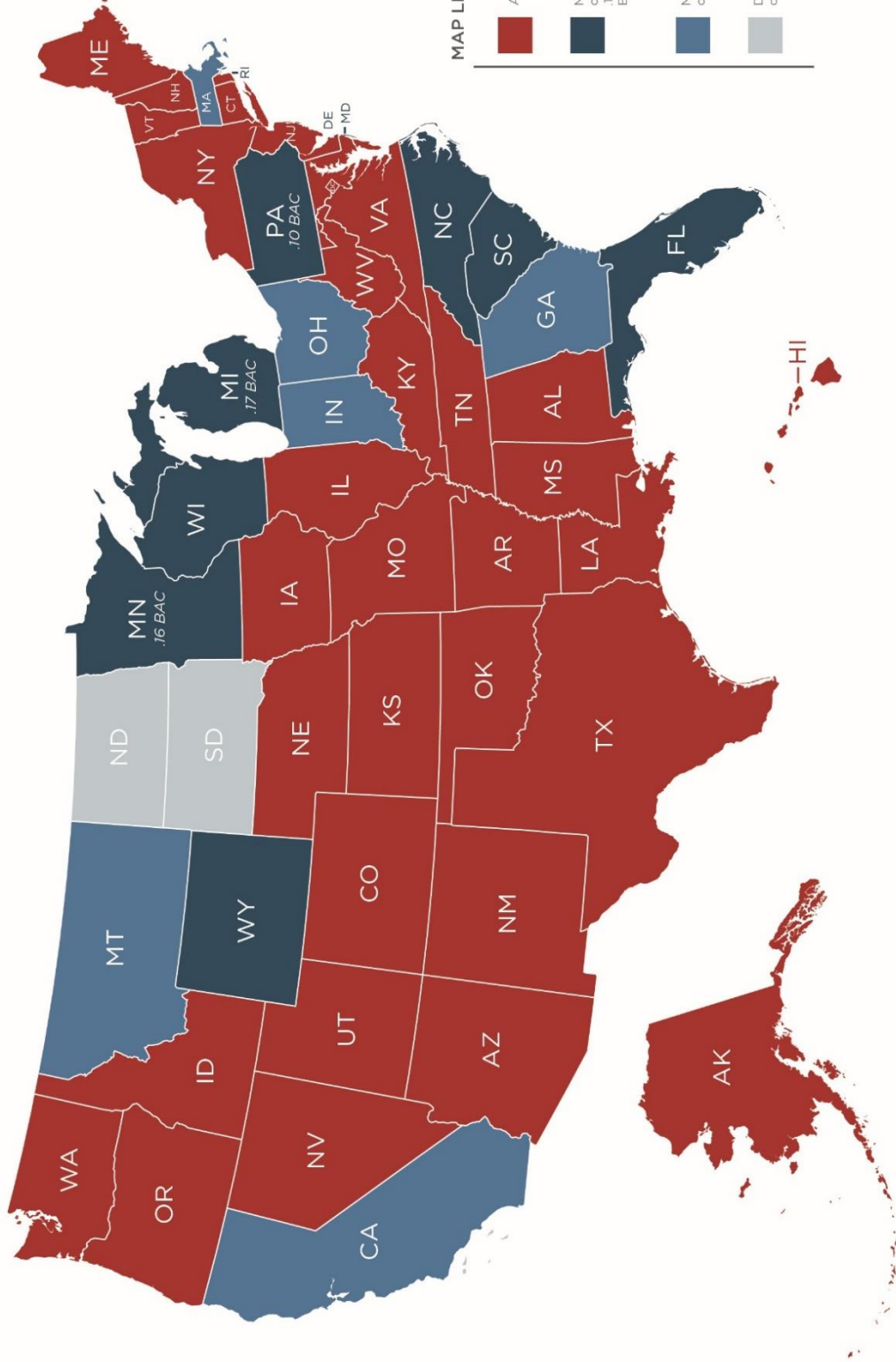
Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

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

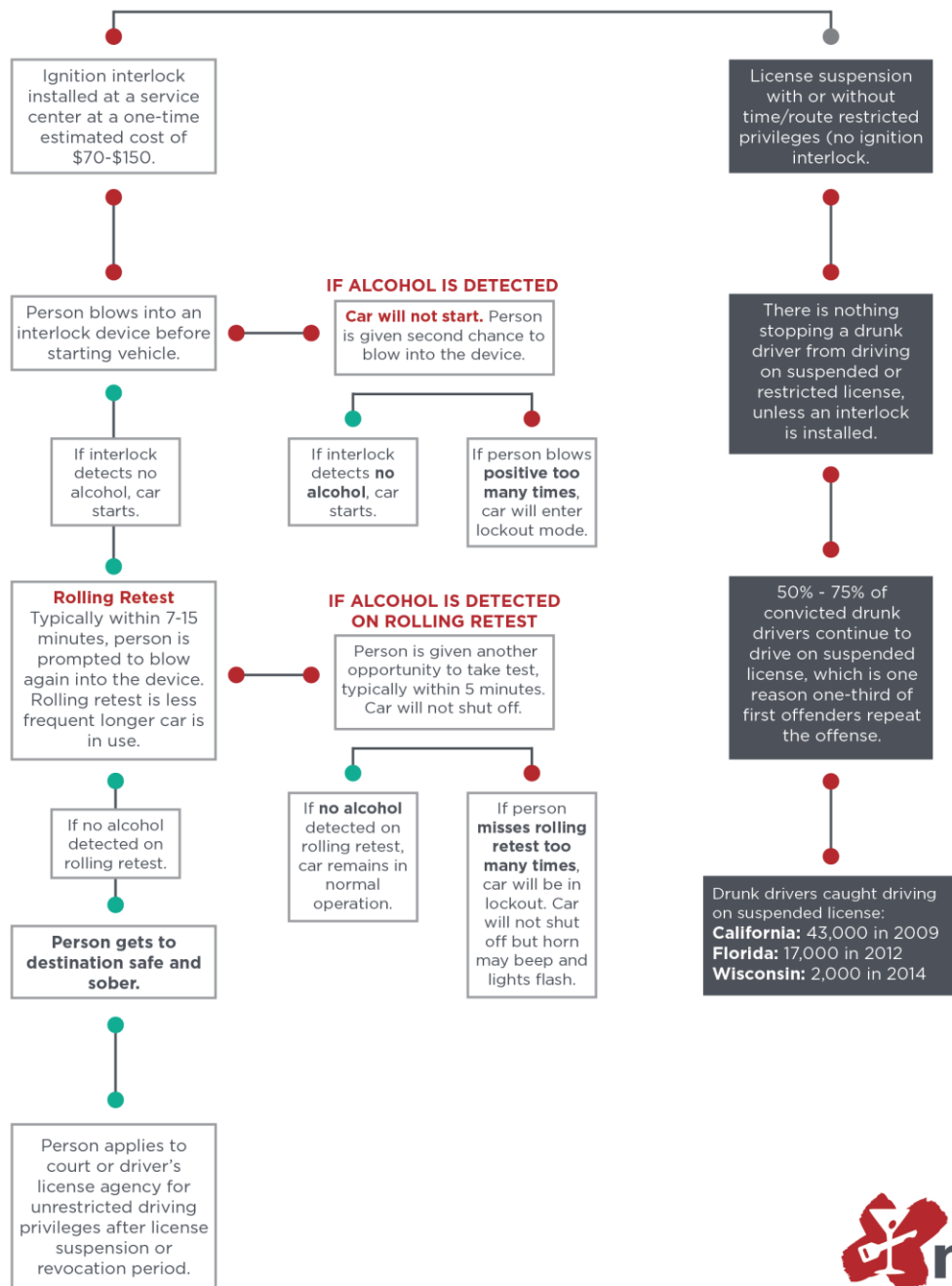
In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers, including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.

- | | |
|--|--|
| ○ Advocates for Auto and Highway Safety | ○ Insurance Institute for Highway Safety (IIHS) |
| ○ American Automobile Association (AAA) | ○ International Association of Chiefs of Police (IACP) |
| ○ Auto Alliance | ○ National Safety Council |
| ○ Centers for Disease Control and Prevention (CDC) | ○ National Transportation Safety Board (NTSB) |

Status of Ignition Interlock Laws



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.



Studies on the Effectiveness of Ignition Interlocks

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).

SB 672 Loophole Noah's Law .pdf

Uploaded by: Leotta, Richard

Position: FAV

Bill SB 672 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 16% 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 16%.**

SB672_FAV_MADD_RStimson.docx.pdf

Uploaded by: Robin Stimson, Robin Stimson

Position: FAV



Robin M. Stimson
Manager of Victim Services
Mothers Against Drunk Driving
Testimony in Support of SB 672
Senate Judicial Proceedings Committee
February 23, 2021

- Thank you Mr. Chairman and Members of the Committee for allowing me to testify in support of SB 672. My name is Robin Stimson, Manager of Victim Services, with Mothers Against Drunk Driving (MADD). MADD thanks you, Senator Waldstreicher for sponsoring this lifesaving legislation.
- You'll likely hear many stats and numbers during this and other hearings today. It is my hope after this testimony that you remember just two (2) numbers. 100 and zero. 100 because the crime of drunk driving is 100 percent preventable and 0 because the only number that matters at MADD is zero. Zero deaths. Zero injuries. Zero families impacted by impaired driving crashes.
- My role as a proponent for victim rights has provided me the honor of supporting the survivors and families that have been injured or lost a loved one as the result of these horrific crimes. They may come from different backgrounds and stations in life, but they all have one thing in common – **none** of them ever want another person to suffer the pain and loss they have as a result of another's poor choices. It has been my privilege to advocate for them and walk with them on their path toward healing. That includes my presence here today. Ignition Interlock devices are life-saving. They address the 100 and the 0 numbers I just mentioned.
- In 2016, the Drunk Driving Reduction Act, also known as 'Noah's Law,' made Maryland one of 34 states (plus the District of Columbia) to have in-place an all-offender ignition interlock law.
- A Probation Before Judgement (PBJ) allows drunk drivers for a second chance; an important chance at redemption. However, PBJs alone do not always change behavior and reduce impaired driving.
- The interlock allows offenders to remain a part of society and to continue to provide for their families by driving to the grocery store, doctor's appointments or anywhere else. It's a benefit for the offender, as well as for the community-at-large.
- States with mandatory interlock laws saw a .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.



- In 2019, 167 people died in drunk driving crashes across the state, which represents 32 percent of all traffic deaths. Increasing the use of interlocks is proven to reduce drunk driving. **Over the past 13 years, ignition interlocks have prevented at least 67,197 attempts to drive drunk in Maryland. Can you imagine how many more attempts to drive drunk will be stopped by enacting this proposal?**
- Maryland already sets mandatory conditions for PBJ's, but fails to include the use of an interlock for every participant. At least eight states require interlocks for PBJ's. The passage of SB 672 would continue to solidify Maryland as a leader in this arena.
- MADD firmly believes that PBJ's allows too many drunk drivers to avoid an interlock and, as a result, avoid to learn how to drive sober.
- Mr. Chairman and members of the Committee, please pass this legislation to give your constituents and victims a future of No More Victims © and drunk drivers a true second chance.
- Thank you.

MOTHERS AGAINST DRUNK DRIVING

VICTIMS AND SURVIVORS

ONE IS TOO MANY



MADD National President,
Alex Otte
Injured due to impaired
boating crash
in 2010



Jami Leigh Smith
Killed by a drunk driver
in 1987



Darius Brown (far right)
Killed by a drunk driver
in 2004
(The entire Brown Family was
injured in the same crash)



Rory Weichbrod (far left)
Killed by a Drunk Driver
in 2010



Matthew Murphy
Killed by a Drunk Driver
in 2018



The Kalnasy Family
(from left; Katie, Chris and Angie)
Severely Injured Due to an Drunk
and Drugged Driver
in 2016



Joey Meiklejohn
Killed by a Drugged Driver
in 2017



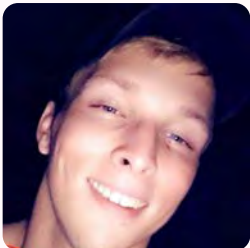
Sgt. Mark F. Parry
Killed by a Drunk Driver
2002



Raymond Quartuci
Killed by a Drugged Driver
in 2018



Karen Joyce Davis
Killed by a Drunk Driver
in 2000



Allen Welch
Killed by a Drunk and Drugged
Driver
in 2019



Raymond McCarter, Jr.
Killed by an Impaired Driver
in 2019



Glenecia Cain
Killed by a Drunk Driver in
1979



Jhoanna Nicole Caballero
Killed by a Drunk Driver
in 2018



Natasha Hudson
Killed by a Drunk Driver in
2018



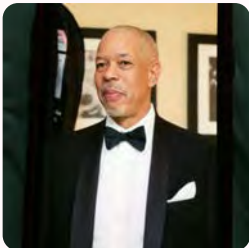
Taylor Halbleib
Killed by a Drunk Driver
in 2017



Ethan Ruefly (center)
Killed by a Drunk Driver
in 2018



Kayla and Daniel Amos
Killed by a Drugged Driver
in 2016



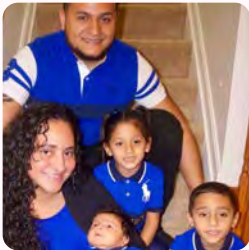
Marc Alexander, Sr.
Killed by a Drunk Driver
in 2020



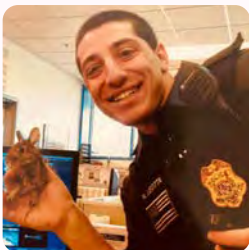
Jon Bos
Killed by a Drunk Driver
in 2020



Christian Guerreiro (center)
Killed by a Drunk Driver
in 2018



The Mejia Family
Twins Alexander Mejia and
Rosalie Mejia, and Isaac Mejia
Killed in 2018
(Parents Alexis and Juanita
survived, but were injured in
the same crash)



Officer Noah Leotta
Killed by a Drunk Driver
in 2015

SB0672 -Drunk Driving Offenses Ignition Interlock

Uploaded by: Westervelt, Patricia

Position: FAV

February 23, 2021

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

Re: Letter of Support – Senate Bill 672 – Drunk Driving Offenses – Ignition Interlock System Program

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation supports Senate Bill 672 as an opportunity to appropriately expand the use of an effective tool in combatting the dangers of drunk driving.

Senate Bill 672 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.

Maryland has a goal of reaching zero fatalities on our roadways by 2030 and in 2019 nearly 27% of the fatal crashes in Maryland involved drugs and or alcohol. The MDOT Motor Vehicle Administration (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. 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. In FY 2020, Maryland’s IIP prevented more than 3,800 attempts by a driver participating in the program from trying to start or drive a vehicle with a blood alcohol concentration greater than the legal limit of 0.08.

Strengthening Maryland’s IIP program, which is already viewed as a national model by adding the requirement for probation before judgement, is an assertive safety measure that builds on positive steps taken in recent years to combat the epidemic of drunk driving.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 672 a favorable report.

Respectfully submitted,

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

Melissa Einhorn
State Legislative Officer
Maryland Department of Transportation
410-865-1102

2021-02-23 SB 672 (Support with Amendment).pdf

Uploaded by: Jung, Roy

Position: FWA

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

February 23, 2021

TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: The Office of the Attorney General

RE: SB 672 – Drunk Driving Offenses - Ignition Interlock System Program – **Support with Amendments**

The Office of the Attorney urges this Committee to favorably report Senator Waldstreicher's SB 672. Senate Bill 672 seeks to expand the mandatory participants in the Ignition Interlock Program.

The Office supports the concept of the Ignition Interlock Program. The Ignition Interlock Program helps the State to prevent drunk individuals from driving to keep the Maryland roads safe.

The Office, however, notes that the bill does not include any exceptions for low-income Marylanders and out-of-state drivers. The proposed bill does not consider how the program will be administered when an individual does not own a vehicle or if a driver is an out-of-state driver. And the Office urges this Committee to consider these exceptions and to amend the bill accordingly.

For the foregoing reasons, the Office of the Attorney General urges the Judicial Proceedings Committee to favorably report Senate Bill 672, with amendments.

cc: Members of the Judicial Proceedings Committee

sb 672 interlock oppose.pdf

Uploaded by: Giannetti , John

Position: UNF

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