

Bill HB 749 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%.**

