



## Testimony of Dr. Darrin T. Grondel before the Maryland House Judiciary Committee

### Regarding Maryland House Bill 927 – March 3, 2021

Chair Luke Clippinger and Members of the Committees, thank you for the opportunity to submit written testimony in favor of House Bill 927 - Danshaun's Law.

For the record, my name is Darrin T. Grondel Vice President of Government Relations and Traffic Safety for the Foundation for Advancing Alcohol Responsibility or Responsibility.org. Professionally, I served 25 years with the Washington State Patrol, retiring in 2017 at the rank of Captain. In 2012 – 2020, I was appointed by Governor's Gregoire and Inslee to serve as Washington State's Governors Representative for highway safety. In that role, I led the state's efforts to address drug and multi-substance impaired driving.

Across the United States, impaired driving (drunk, drugged, or multiple substance combinations) is a far too common occurrence and the data drives the narrative for necessary changes to capture evidence to address this increasing devastating trend:

- 50.5% of fatally injured drug-positive drivers (with known drug test results) were **positive for two or more drugs** and **40.7% were found to have alcohol in their system** (NHTSA FARS as cited in Hedlund, 2018)
- Among drug-positive drivers killed in crashes, 4% tested positive for both marijuana and opioids, 16% for opioids only, 38% for marijuana only, and 42% for other drugs (Governors Highway Safety Association, 2017)
- The percentage of traffic deaths in which at least one driver tested positive for drugs has nearly doubled over a decade. (USA Today, 2016) (Source: <https://driving-tests.org/driving-statistics/>)
- The number of alcohol-positive drivers killed in crashes who also tested positive for drugs increased by 16% from 2006 to 2016 (Governors Highway Safety Association, 2017)

### Evidence Collection

Collection of evidence in impaired driving cases, after the officer has established reasonable suspicion or probable cause, is required. In HB Bill 932, heard today, would allow officers trained in (ARIDE) [Advanced Roadside Impaired Driving Enforcement \(ARIDE\)](#) or similar training to “request, require, or direct that a person take a certain test for drug or controlled dangerous substance content under certain circumstances.” Blood evidence is the gold standard for impaired driving cases and any officer, who has established reasonable suspicion or probable case should be able to articulate this in establishing the affidavit and search warrant for blood evidence. HB 932 is a natural evolution in support of HB 927, and would work together.

## **Search Warrants**

A number of pivotal United State Supreme Court cases, *Missouri v. McNeely*, 569 U.S. 141 (2013); *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016); *Mitchell v. Wisconsin*, 139, S. CT. 2525 (2019), and a number of Maryland cases, draws a common theme for officer to obtain a search warrant for blood for impaired driving cases. Training law enforcement officers in detection of impairment roadside is paramount for all DUI cases. Additionally, a critical and requisite component for strong case adjudication is evidence.

National and state impaired driving data clearly shows the need to address the drug driving and multiple-substance combinations we are repeatedly dealing with. Responsibility.org implores the Maryland legislature to determine the warrant requirements to ensure all officers, who have established probable cause, the authority to seek a search warrant for blood in impaired driving cases. In your deliberations, consider authorizing language for the use of electronic search warrants. States across the country are incorporating these provisions to deal with drug and multiple-substance impaired driving cases. Electronic search warrants create a more efficient and effective process, reduces the amount of time officers take to process and are off the road for a DUI, virtually eliminates the need to show up at the court or a judges home early in the morning for a signature. Responsibility.org recognized this need and created a best practices guide from several case studies around the country [Electronic Search Warrants](#). We would be happy to provide any technical support for enhancing the search warrant process to address the balance of privacy rights and evidence for impaired driving cases.

## **Conclusion**

Responsibility.org is in favor of HB 927 - Drunk and Drugged Driving - Testing - Warrants (Danshaun's Law) and we offer our support or any technical assistance you may need.

The following are additional links for information in addressing impaired driving for consideration in making Maryland's Roadways the safest in the nation:

[Multi-substance Impaired Driving](#)

[Drug Testing-in-Impaired Driving Cases](#)

[Oral-Fluid-Screening](#)

[Pre-trial Services Guide](#)

[Law Enforcement DUI Testimony Silver Tips Checklist](#)

Responsibility.org thanks you for your time and attention to the issues addressed in this written testimony and the considerations presented in making a policy decision that will improve safety on Maryland's roadways.

Thank you

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