

Md Criminal Defense Attorneys' Association



Md Senate Judicial Proceedings Committee

March 3, 2022 1pm

Hearing on SB 0653

“Drunk Driving – Ignition Interlock”

MCDAA POSITION: OPPOSE WITH AMENDMENT

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: MCDAA stands in strong opposition to legislation that imposes mandatory penalties for crimes. 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 abrogate this discretion and can have unintended effects that are inappropriate for the individual case before the judge. **One major issue with the legislation is the inconsistencies with penalty fulfillment under TR 16 205.1.** Drivers who are unable to enroll in the Interlock program will lose their right to drive forever. **Further, this legislation creates an environment whereby all commercial truck drivers will lose their license (and jobs?) after their case;** federal law does not allow interlock-modified licensees to drive commercial vehicles. Current law allows for commercial drivers charged under TR 21-902(b) to keep their licenses and jobs. **See the included letter from Leonard Stamm, Esquire, MCDAA member.**

Amendment Suggestion: Include a “relief valve” clause granting the judge the discretion to NOT IMPOSE the interlock program upon a finding that such a penalty would create an “extreme hardship” for the defendant.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact: John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com