

SB0653_ar_fav.pdf

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Position: FAV

March 1, 2022

Favorable Report for SB0653

Dear Chairperson and Members of the Judicial Proceedings Committee:

My name is Arlene Rosenbusch from District 19. Six years ago I lost my sister, Lynne Rosenbusch and her husband John Fauerby to a drunk driver. They lived in Maryland's District 15. They were avid bicyclists for many years, well known in the bicycling community. They advocated for safe bicycling conditions for many years and themselves were very careful, law abiding cyclists.

On the afternoon of October 31, 2015 in Calvert County near Chesapeake Beach, a 62 year old woman drove while intoxicated, came up from behind them while they were riding their tandem bicycle and plowed them down. There were no other cars around, the road conditions were fine, and the weather was sunny. There was no excuse. She had a blood alcohol level of .12, equivalent to 10 shots of liquor.

She had no previous drunk driving convictions. I was not allowed to know if she ever had a PBJ but I do know that the year before she had a second degree assault and alcohol beverage intoxication disorderly conduct case, not involving a car.

She served only 2 years in prison of a 10 year sentence and is out driving again with an interlock device for the time being.

I feel strongly that first time drunk driving offenders who receive a PBJ should be mandated to have an interlock device installed on their car. I do not see this as a punishment. I see this as a way to protect the public and to also protect the offender.

The drunk driver in this case killed two people before she was pulled over for drunk driving. You don't know when a drunk driver will kill or injure. Chances are the person has been driving drunk before they were caught. Don't wait until it's too late.

It's a small price to pay for the offender. I'm sure they would rather have the ignition interlock device than to have to live with the fact that they killed or injured someone. My family, friends and I have to live with this sad fact. Our hearts are broken for these two wonderful people.

I ask for a favorable report for SB0653.

Arlene Rosenbusch

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SB 653.pdf

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STATEMENT IN SUPPORT OF HB 557 and SB 653

The Maryland State's Attorneys' Association would like to express its support for House Bill 557 and Senate Bill 653 – Ignition Interlock System Program.

While the MSAA greatly appreciates the efforts of the legislature in enacting the first “Noah’s Law” a few years ago, it unfortunately left a loophole in the statute. As initially written, mandatory ignition interlock was primarily only made applicable to drivers convicted of Driving Under the Influence of Alcohol (TA §21-902(a)) or of Driving While Impaired by Alcohol While Transporting a Minor under the Age of 16 (TA §21-902(b)(2).) As the language in Noah’s Law only applied to those who were convicted of those limited offenses, it did not apply to the vast most impaired drivers.

Studies have shown that a person drives while impaired between 50-80 times before they are caught. Each year, approximately 18,000 – 20,000 people are arrested for impaired driving in Maryland. In calendar year 2019, 19,163 individuals were arrested for impaired driving in our state. Of those going to court, approximately 80% are found guilty of one of the four impaired driving offenses: Driving Under the Influence of Alcohol (TA §21-902(a)); Driving While Impaired by Alcohol (§21-902(b)); Driving While Impaired by Drugs or a Combination of Drugs or Alcohol (§21-902(c)); and Driving While Impaired by a Controlled Dangerous Substance (§21-902(d)). Of that 80%, 68% received a Probation Before Judgment for the impaired driving conviction, thus, were not subject to Noah’s Law.

Of the 32% of convicted impaired drivers not receiving a PBJ, most of those individuals were only found guilty of the (b) offense, Driving While Impaired by Alcohol. Unless they were transporting a child under the age of 16, they would not be subject to mandatory Ignition Interlock. With approximately 33% - 40% of impaired drivers electing to refuse the intoximeter test, it has become extremely difficult for prosecutors to obtain convictions for the (a) offense, Driving Under the Influence of Alcohol. By lacking breath test evidence, prosecutors are only able to obtain the (b) conviction.

Regardless of whether a person is convicted of an (a) or a (b) offense, at the time of their driving, they were every bit a threat to law-abiding travelers.

Ignition Interlock has been shown to be the single most effective deterrent to impaired driving. Making Ignition Interlock mandatory for every person who drove, was caught, and convicted of driving while impaired by alcohol (regardless of whether it was an (a) or a (b)) will greatly reduce the risk of fatal and life-threatening crashes.

Conclusion

The Maryland State's Attorneys' Association would like to commend Delegate Atterbeary and Senator Waldstreicher for introducing this very important piece of legislation and as previously stated, would like to express our support for HB 557 and SB 653 and would ask for a favorable report.

Respectfully Submitted,

David Daggett
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ddaggett@mdsaa.org

MADD Frank Harris SB 653 written support. 3-3-22.p

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Frank Harris
Director of State Government Affairs
Mothers Against Drunk Driving
Testimony in Support of SB 653
Senate Judicial Proceedings Committee
March 3, 2022

- Thank you Mr. Chairman and Members of the Committee for allowing me to testify in support of SB 653. My name is Frank Harris, Director of State Government Affairs, with Mothers Against Drunk Driving.
- Mothers Against Drunk Driving thanks Vice-Chairman Waldstreicher for authoring this lifesaving legislation. Thank you Chairman Smith for your previous support of this legislation.
- 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 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.
- 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.
- When MADD launched the Campaign, only one state, New Mexico had an all-offender ignition interlock law in place. Today, 34 states plus DC have these laws in place.
- Ignition interlocks is the only tool that can physically separate drinking from driving while teaching sober driving. License suspension alone is a hope for the best approach. Hope alone cannot stop drunk driving.
- 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 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. This loophole allows nearly all first-time offenders to avoid an interlock thereby undermining the law.

Interlocks work to stop drunk driving

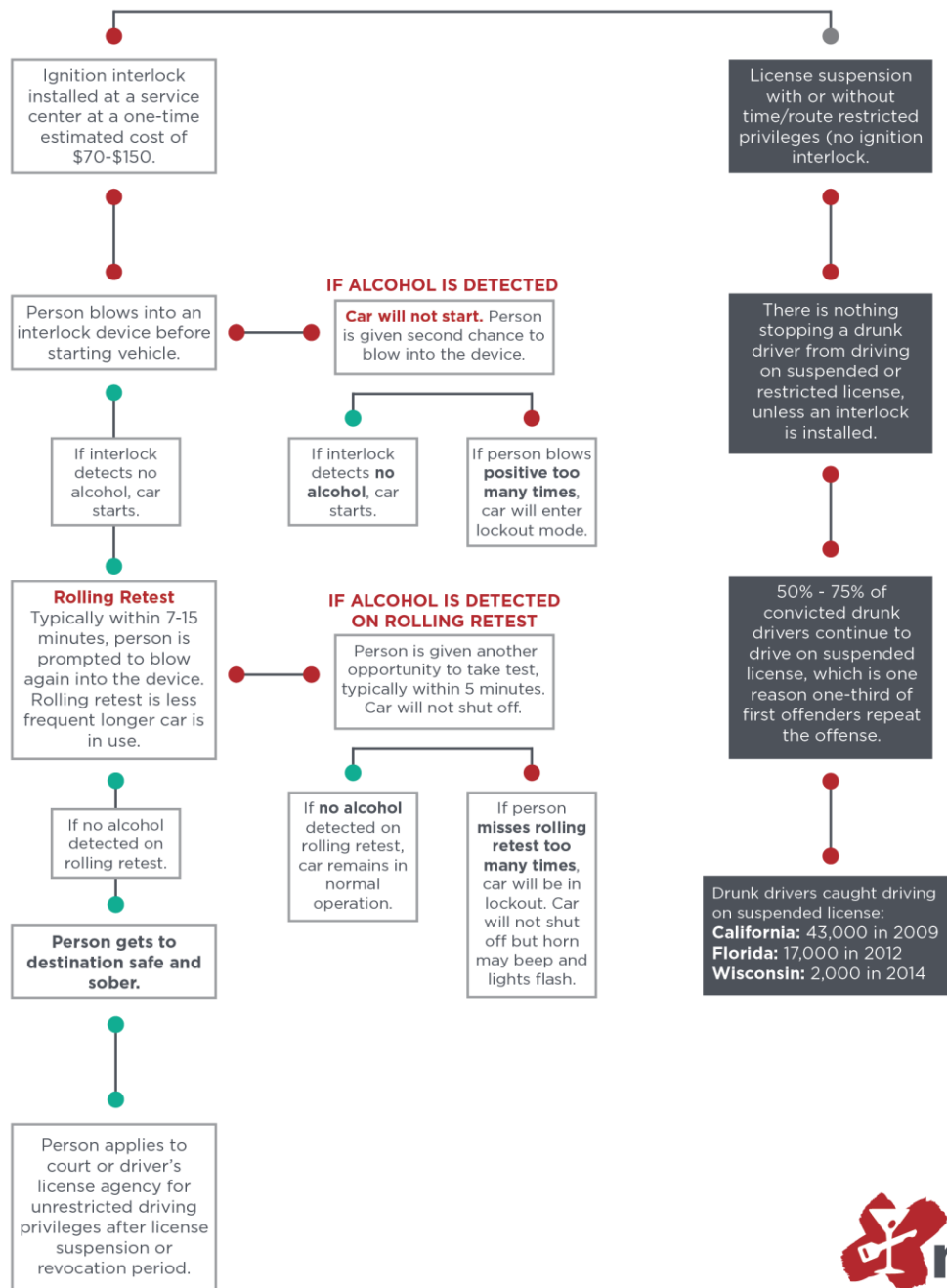
- Mandatory ignition interlock laws have been well-studied. According to the Insurance Institute for Highway Safety, mandatory interlock laws reduce drunk driving deaths by 16 percent. SB 653 will ensure Noah's Law will save more lives.
- From 2006 to 2020, these devices stopped over 3.7 million attempts to legally drive drunk with a blood alcohol concentration of .08 or greater. Yes, 3.7 million attempts by interlock users drive drunk prevented by technology. This shows the power of the device to stop drunk driving.
- In Maryland during fourteen years, interlocks stopped over 73,000 attempts to drive drunk, including over 7,042 in 2020 alone. Imagine how many more attempts to drive drunk will be prevented if SB 653 becomes law?
- This is a big deal in the fight against drunk driving. It shows that lawmakers should ensure 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 653 is to remedy this failure.
- Mr. Chairman and members of the Committee, please pass this legislation to give PBJ drunk drivers a true second chance. Thank you.

Drunk Driving (.08 BAC or Greater) Stops by an Ignition Interlock

	2006 to 2020	2020	2019	2018	2006 to 2017
Alabama	8,404	2,447	1,847	969	3,141
Alaska	18,036	1,146	2,551	1,512	12,827
Arizona	120,782	11,005	12,332	9,713	87,732
Arkansas	112,531	17,835	14,699	14,727	65,270
California	298,401	28,078	25,072	24,459	220,792
Colorado	135,963	15,365	10,506	10,938	99,154
Connecticut	93,164	11,754	14,173	9,817	57,420
Delaware	7,870	995	918	946	5,011
D.C.	299	20	175	9	95
Florida	109,127	11,809	8,931	10,225	78,162
Georgia	44,313	4,368	4,610	4,339	30,996
Hawaii	11,595	811	1,061	1,117	8,606
Idaho	10,596	2,545	1,104	718	6,229
Illinois	129,893	9,141	6,944	6,192	107,616
Indiana	15,079	2,811	1,758	1,683	8,827
Iowa	184,148	26,989	26,681	14,961	115,517
Kansas	123,647	7,852	9,873	12,121	93,801
Kentucky	8,980	2,096	1,734	1,365	3,785
Louisiana	135,090	17,462	15,522	14,117	87,989
Maine	17,503	1,692	1,302	1,235	13,274
Maryland	73,978	7,042	9,575	7,907	49,454
Massachusetts	47,435	4,358	3,806	3,764	35,507
Michigan	32,223	1,945	2,258	1,743	26,277
Minnesota	88,050	6,881	7,496	7,802	65,871
Mississippi	9,485	1,507	1,188	1,281	5,509
Missouri	128,196	11,100	11,194	11,293	94,609
Montana	7,054	828	314	374	5,538
Nebraska	43,241	4,726	4,178	3,837	30,500
Nevada	16,503	4,059	3,914	1,269	7,261
New Hampshire	14,529	1,791	1,175	1,104	10,459
New Jersey	119,122	16,105	15,759	13,518	73,740
New Mexico	89,658	6,958	3,862	7,728	71,110
New York	111,043	8,157	5,589	6,118	91,179
North Carolina	30,306	5,045	2,689	3,172	19,400
North Dakota	715	314	79	8	314
Ohio	34,927	4,438	3,001	3,327	24,161
Oklahoma	104,009	12,650	11,080	14,431	65,848
Oregon	57,645	4,150	5,639	3,373	44,483
Pennsylvania	93,037	9,336	6,820	6,133	70,748
Rhode Island	7,848	1,839	1,139	1,360	3,510
South Carolina	12,655	2,072	1,879	1,743	6,961
South Dakota	2,040	197	64	132	1,647
Tennessee	79,530	10,989	9,055	7,238	52,248
Texas	371,345	34,367	29,649	32,850	274,479
Utah	26,472	3,417	3,843	2,727	16,485
Vermont	11,700	1,422	1,267	1,556	7,455
Virginia	28,952	3,815	2,709	2,668	19,760
Washington	147,435	14,089	14,225	14,492	104,629
West Virginia	31,052	1,478	1,642	1,364	26,568
Wisconsin	357,946	28,281	29,795	41,148	258,722
Wyoming	20,831	768	3,222	844	15,997
Total	3,784,383	390,345	359,898	347,467	2,686,673

Data collected from interlock vendors. The time period is from December 1, 2006 to December 31, 2020.

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 two 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 the 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 a part of society and provide for their family by driving to work, grocery stores, restaurants and any 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).



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.



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)

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SADD

Kurt Erickson
WRAP President & CEO



WASHINGTON REGIONAL ALCOHOL PROGRAM

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March 3, 2022

Members of the Judicial Proceedings Committee
Maryland Senate
Annapolis, Maryland

Re.: Support for "Drunk Driving Offenses – Ignition Interlock System Program," Senate Bill 653, 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 653, "Drunk Driving Offenses – Ignition Interlock System Program"** (Senator Jeff Waldstreicher, D-Montgomery County).

Succinctly, Senate Bill 653 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) ("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 most recent statement 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 Unemployment Compensation Act are also available for the cost of postage and copies from the MD State Dept. of Health, State House, Annapolis, MD 21401, 410-975-2931.

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 653 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,” 2020) 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 2020 also bore witness to Maryland posting a nearly ten-percent (9.6%) *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 653. 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

SB0653 - MVA - Ignition Interlock System Program_S

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March 3, 2022

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

Re: Letter of Support – Senate Bill 653 – Drunk Driving Offenses – Ignition Interlock System Program

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation (MDOT) supports Senate Bill 653 as an opportunity to expand the use of an effective tool in combatting the dangers of drunk driving.

Senate Bill 653 serves to strengthen and increase participation in the Ignition Interlock Program (IIP) by requiring that an individual found to be driving while under the influence or impaired and is either convicted, suspended, or revoked on points, or is granted probation before judgement, must enter the Ignition Interlock Program (IIP).

Over the last 10 years, 30 percent of Maryland’s fatal crashes have involved alcohol or drugs and Maryland strives to reduce that number by setting the goal of reaching zero fatalities on our roadways by 2030. The MDOT Motor Vehicle Administration (MDOT MVA) supports the use of the IIP as an effective tool to reduce drunk driving crashes. Research continues to show that drivers who have interlocks installed are significantly less likely to have a repeat drunk driving offense than those drivers who do not have a device installed. A 2016 study by the California Department of Motor Vehicles noted a success rate between 45 and 74 percent effectiveness in reducing recidivism of driving under the influence among first-time offenders – the lower rate due to those who complete an Ignition Interlock Device (IID) within 182 days and the higher rate due to those who continue to use an IID for the full 365 days. A 2017 study in the American Journal of Preventative Medicine noted a national decrease of seven to eight percent in fatal crashes caused by a drunk driver as a result of IID laws for first time offenders. This further demonstrates the effectiveness at keeping impaired drivers off the roadways and that comprehensive ignition interlock laws help states reduce impaired driving fatalities.

In 2016, the landmark passage of Maryland’s Noah’s Law strengthened administrative sanctions for impaired driving and significantly expanded the IIP. Participation in the IIP has increased as a result, and these changes are helping to keep Maryland’s roadway users safe. In FY 2020, Maryland’s IIP prevented more than 3,700 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.

The Honorable William C. Smith, Jr.
Page Two

Strengthening Maryland's IIP program by requiring participation for drunk drivers receiving a probation before judgement disposition is an important next step in strengthening Maryland's network of impaired driving prevention programs and preventing repeat offenses. Although Maryland has implemented many measures to help end impaired driving, the national advocacy group, Mothers Against Drunk Driving (MADD), recently released their 2021 scorecard in which Maryland received a C+. In that report, MADD noted that Maryland's all-offender law contains a "loophole," which they describe as the biggest in the country. Specifically, first-time convicted drunk drivers are able to avoid a mandatory ignition interlock referral when that verdict is set aside, and the drunk driver is granted a Probation Before Judgement (PBJ) disposition. Senate Bill 653 addresses this gap by requiring all those receiving a PBJ for 21-902 (a) or (b) offenses to enroll in the IIP.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 653 a favorable report.

Respectfully submitted,

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

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090

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Position: FAV



**AAA Mid-Atlantic's Testimony in Support of
SB 653 – Drunk Driving Offenses – Ignition Interlock System Program**

Sponsor: Senator Waldstreicher

- AAA Mid-Atlantic **supports** [SB 653](#), which closes a loophole 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.
- 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, 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*)
- 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 653** a favorable report.

Contacts:

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SB653 Loophole Noah's Law .pdf

Uploaded by: Richard Leotta

Position: FAV

SB653 Drunk Driving Offenses – Ignition Interlock Systems Program

Richard Leotta, Activist and Father of Officer Noah Leotta, Fully Supports This Bill

Impaired driving is on the rise, and we need to use all measures to curb this deadly threat. The Bill is a measure that can do just that by making 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 extremely 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 15% 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, 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, I attended 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:** There are affordability provision included in Noah's Law for those that cannot afford the cost. However, it should be noted that my data shows that most of the time, **(83%)**, individuals charged with DUI/DWI had private attorney representation. Therefore, these people certainly can afford the cost of an interlock. An interlock is about the cost of a drink a day. **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 always maintained no matter what any law stipulates. In fact, I witnessed cases where a person was convicted of impaired driving and ill-advised judges did not require an interlocking device installed. However, an interlocking device should be a condition for the leniency of a PBJ. With an interlock device a person can live a normal life, they just cannot 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. I fully support the leniency of a PBJ but, judges practice catch and release by taking leniency to the extreme, by NOT ordering an interlock device in 59% of the PBJs. For these 59%, the judges usually order counseling, attending one MADD victim impact panel and sometimes one shock trauma visit. However, without ordering an interlock device, there is very limited success in changing the bad behavior of these drunk drivers. In fact, the three-time offender that struck and killed my son said it was the leniency of catch and release that lead to his continuing to drive drunk. Thereby, help protect the victims and the community, by making the leniency of a PBJ conditioned on an interlocking device. 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 15%.**

SB 653_FAV_MADD_RStimson.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 653
Senate Judicial Proceedings Committee
March 3, 2022**

- Thank you Mr. Chairman, and Members of the Committee for allowing me to testify in support of SB 653. 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. It is truly an honor to be here with you this afternoon.
- MADD knows that the first time someone is arrested for drunk driving, it is likely not their first time they drove while impaired. Research from the CDC indicates that first-time offenders have driven drunk at least 80 times before they are arrested. 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. However, plea agreements, or probation before judgments (PBJ), have allowed offenders to avoid using this lifesaving device. A PBJ provides drunk drivers a second chance; an important opportunity at redemption. However, PBJs alone do not always change behavior and reduce impaired driving. MADD firmly believes that PBJ's allows too many drunk drivers to avoid an interlock and, as a result, they avoid learning how to drive sober.
- Studies show that the Ignition Interlock Device is more effective than license suspension alone. In addition, research indicates that 50% to 75% of convicted drunk drivers, continue to drive on a suspended license.
- Ignition Interlock Devices help reduce repeat offenses by 67% when installed, and another 39% after the device has been removed (when compared to offenders who never installed an interlock). Maryland already sets mandatory conditions for PBJs, but fails to include the use of an interlock for every participant. At least eight states require interlocks for PBJs. The passage of SB 653 would continue to solidify Maryland as a leader in this arena.
- The Ignition Interlock Device is a vital lifesaving tool that ensures offenders remain a functional, contributing member of society. It offers minimal disruption to the driver, and allows for them to continue to provide for their families and maintain busy schedules. As a result, the Ignition Interlock Device not only presents a benefit to the offender, but it is important to the overall health and safety for the community-at-large.



- 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.

Testimony SB653 3.2.22.pdf

Uploaded by: Roderick Howard

Position: FAV



Roderick Howard
Regional Executive Director
Mothers Against Drunk Driving- Mid Atlantic

SB 653

March 3 ,2022

Hello Committee Members,

Thank you for your time today to share with you my testimony regarding HB 557.

As you know, much too often we experience life changing tragedies on Maryland State Highways due to individuals choosing to drink and drive.

In a recent study, it was found that Drunk Driving is the leading killer on highways in the state of Maryland. In 2019, there were more than 160 individuals who lost their lives due to this 100% preventable crime of Drunk Driving. All of which can be decreased, if ALL Drunk Driving Offenders were given the ignition interlock without any avoidance. While Maryland sets current conditions regarding PBJ, too many times there are situations where not all participants are required to add this behavior changing technology to their vehicles.

Out of the states with mandatory Interlock laws, there has been a substantial decrease in deaths for every 100,000 citizens each year. As a Leader for Mothers Against Drunk Driving in the state of Maryland and a committed citizen, this is very important to me.

At MADD, our goal is to work towards Zero deaths, zero injuries and zero families impacted because of the negligence of one person choosing to drink and drive.

In closing, I ask that each committee member please consider passing legislation that would require ignition interlocks for all offenders which would ultimately allow for less injuries and more lives saved across our state.

Thank you delegates that support this bill and members of this committee. I ask that you please pass this bill and ensure that Noah's Law saves more lives.

Sincerely,

Roderick Howard
(Regional Executive Director, Mothers Against Drunk Driving Mid Atlantic)

SB 653 Interlock Oppose w Amendment .pdf

Uploaded by: John Giannetti

Position: UNF

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

Stamm Opposition SB 653 2022.pdf

Uploaded by: John Giannetti

Position: UNF

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**Testimony of Leonard R. Stamm in Opposition to
Senate Bill SB653
March 3, 2022**

My name is Leonard R. Stamm, appearing on behalf of the Maryland Criminal Defense Attorneys' Association. I have been in private practice defending persons accused of drunk driving and other crimes for over 30 years. I am author of *Maryland DUI Law*, and of all post 2013 updates to *Maryland Evidence: State and Federal*, both published by Thomson-Reuters. I am currently a Fellow (former Dean) of the National College for DUI Defense, a nationwide organization with over 1500 lawyer members. I am a former president of the Maryland Criminal Defense Attorneys' Association. I have co-authored amicus briefs filed by the National Association of Criminal Defense Lawyers and the National College for DUI Defense in the Supreme Court cases of *Bullcoming v. New Mexico*, 564 U.S. 647 (2011), *Missouri v. McNeely*, 569 US 141 (2013), and *Birchfield v. North Dakota*, 579 US ___, 136 S. Ct. 2160, 195 L. Ed. 2d 560 (2016).

Overview. Under current law, persons accused of drunk driving face either suspension or ignition interlock administratively, separate from, and usually prior to, the case in court, if they refuse to submit to a chemical test of breath or blood or if they submit to an alcohol test with a result of .15 or higher. Persons with a result of .08 or higher but less than .15 have a third option: they are allowed to request a permit that allows driving but limited to employment, education, alcohol education, and for medical purposes for themselves or immediate family members. Under current law, judges have discretion to require ignition interlock for these drivers but it is not mandatory. If they do order ignition interlock it is concurrent with and the driver receives credit for any period of administratively required ignition interlock. The proposed bill makes imposition of ignition interlock by the MVA mandatory for all persons found guilty of Transp. §§ 21-902 (a), (b), or (c).

These bills, while well intended, suffer from a number of problems that in the view of this writer that result in marginal protection of the public while unnecessarily and unfairly punishing some drivers who pose little risk.

1. **Portions of Senate Bill 653 are inconsistent with existing law.** There are inconsistencies with Transp. § 16-205.1. While that section allows drivers who fail to comply with the ignition interlock to serve out their suspensions, the proposed bill

requires compliance before getting a driver's license. The requirement could serve as a permanent preclusion from ever getting a license again. Other drivers failing the test under .15 are allowed to get a work permit or serve a suspension at the MVA. The law creates a double penalty for these drivers.

2. **These bills unfairly target first offenders who are either at or only slightly over the legal limit.** Many of these drivers are social drinkers who are unlikely to reoffend at all, not to mention in the year following their arrest. The proponents of law offer statistics to the legislature showing the number of times that the interlock has caught drivers attempting to drive drunk. However, this data does not reflect the drivers targeted by this law. There is no data showing the number of social drinkers who repeat within the first six months after their first arrest. In my experience, such occurrences are extremely rare. So the law is punishing primarily social drinkers, the vast majority of whom will not ever drink and drive again, and certainly not within the first six months after their first arrest.
3. **Commercial drivers will almost all lose their jobs.** Under current law, professional drivers holding a commercial driver's license (CDL) are not allowed to hold a CDL during the time they have an interlock restriction on their license, even if they are allowed a work exemption under Transp. § 21-902.2. For those drivers at the lower levels who are required to possess a CDL to maintain employment, these provisions are unnecessarily harsh. Current law creates an exception to disqualification of the CDL for those drivers found guilty under § 21-902(b). The proposals eviscerate that exception because these drivers will now lose their CDLs for at least six months, and possibly longer.
4. **The bills unnecessarily punishes drivers in single car families or drivers who do not own a car.** This bill contains an interlock requirement for defendants who receive probation before judgment. The problem is that many of those offenders who do not have an ignition interlock in the car already as a result of the administrative hearing, that usually occurs before court, don't qualify because they don't have a Maryland driver's license or a car. The punishment must fit the crime and this proposal does not. It would represent a double punishment for those offenders that chose a suspension over the interlock at the MVA hearing.
5. **Not all drivers found guilty under Transp. § 21-902(c) consumed alcohol.** Transp. § 21-902(c) prohibits driving while impaired by drugs **or** drugs and alcohol. It makes no sense to require drivers whose offenses did not involve alcohol to have an ignition interlock.
6. **Some drivers cannot satisfy the interlock due to health reasons.** The ignition interlock requires the driver to blow 1.5 liters of air into the device. With a doctor's lung function test showing impaired lung volume, the Medical Advisory Board will consider allowing the installer to set the device to require less air. I have a client of slight height and weight presently who got a normal lung test, but then developed a huge welt on her neck from being unable to satisfy the device. I had to ask her to remove the device. Fortunately, we were still within the 30 days period during which she could request a hearing when that

happened. As her test was under .15 I was able to get her a work permit at her hearing. She will be unable to drive and may lose her job if interlock is required and she cannot drive to work.

For these reasons, the MCDAA opposes this legislation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leonard R. Stamm", with a long horizontal flourish extending to the right.

LEONARD R. STAMM