

Testimony MD SB 528.docx.pdf

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The Nation's Premier Youth Health & Safety Organization

Testimony of Alan Morales

Member, SADD National Student Leadership Council

Maryland Senate Judicial Proceedings Committee

SB 528 – March 7, 2023

Good Afternoon Chairman Smith, Vice Chairman Waldstreicher and distinguished members of the committee:

My name is Alan Morales. I am a Sophomore at Eleanor Roosevelt High School in Greenbelt, Maryland. On behalf of Students Against Destructive Decisions and the 23,856 members of SADD across the state of Maryland I rise to urge swift passage of Senate Bill 528.

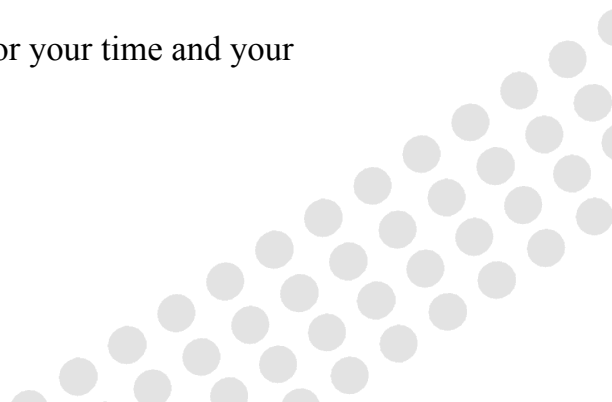
My fellow students and members wish me to convey their desire to see this measure advance as a sensible and necessary countermeasure to curb – impaired driving. For over 40 years, our organization has worked with a broad coalition of stakeholders to end impaired driving. Mr. Chairman, this Committee has heard and will hear from individuals whom this senseless and preventable crime has impacted, a crime of robbing our communities, our families, and our society of incredible individuals taken from us at the hands of an impaired driver.

You've heard from prosecutors, law enforcement, and legal experts who have foretold why Maryland will benefit from this bill. I add another powerful voice to that chorus, the voices of the future – we, as students of the great state of Maryland. As the **future leaders of Maryland**, **we want** Senate Bill 528 **to become law** to be assured of the bright future we deserve—protecting ourselves, our friends, and our communities.

This measure makes critical enhancements to the existing law. Ignition interlocks work. Period. When a young person makes the deadly choice to drive impaired, they do so from a place of need.

At SADD, we empower teens to make positive choices, one positive decision at a time. We understand the value of personal choice, but when one chooses to put others in harm's way, there is a need to rise to protect the public good. I'm tired of parents losing their teens to something completely preventable. I'm sickened by the number of lives lost to impairment. I know you join me in grieving with each mother, father, brother, sister, teacher, and community member who wakes up with that pain. Senate Bill 528 has the power to prevent that pain and continue to make our roadways safer for us all.

I urge you to **vote yes** in advancing this measure. I thank you for your time and your consideration. Thank you.



MADD Frank Harris SB 528 testimony support. 3-7-23

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Frank Harris
Director of State Government Affairs
Mothers Against Drunk Driving
Testimony in Support of SB 528
Senate Judicial Proceedings Committee
March 8, 2023

- Thank you Mr. Chairman and Members of the Committee for allowing me to testify in support of SB 528. 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.
- Mr. Chairman and Members of the Committee, the battle against drunk driving is not over. According to the National Highway Traffic Safety Administration (NHTSA), 183 people were killed in drunk driving crashes in Maryland in 2020. This is an increase of 10% from 2019, when 167 people died in drunk driving crashes. Increasing the use of interlocks, as prescribed in this measure, is proven to reduce 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 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 MVA administered license suspension is via an ignition interlock or the person cannot 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 state laws are 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 loophole 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.
- According to the Maryland Department of Transportation, a majority of first-time offenders drunk driving cases results in the person receiving PBJ. In 2021, of the 9,291 closed case dispositions for 21-902(a) and (b), more than half (4,734 or 50.95%) of DUI/DWI offenders in Maryland received PBJs and are not required to use an ignition interlocks.

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 528 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 528 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 528 is to remedy this failure. And more importantly to MADD, ensure that first-time offenders do not drive drunk again and kill or injure people on Maryland roadways.
- Mr. Chairman and members of the Committee, please advance this legislation to give PBJ drunk drivers a true second chance. Thank you.

Table 5. Impaired Driving Arrests (21-902) Presented by Most Serious Disposition, CY 2017-2021

Violation		2017	2018	2019	2020	2021
§21-902(a) Driving Under the Influence of Alcohol (DUI)	Total Cases	10,839	9,994	9,660	7,056	8,590
	Open Cases	382	379	612	973	3,340
	Closed Cases	10,457	9,615	9,048	6,083	5,250
	Guilty	2,090	1,805	1,693	1,063	903
	PBJ	4,208	3,974	3,570	2,124	2,106
	Other Disposition*	4,159	3,836	3,785	2,896	2,241
§21-902(b) Driving While Intoxicated (DWI)	Total Cases	7,425	7,477	7,216	4,824	4,342
	Open Cases	25	31	47	87	301
	Closed Cases	7,400	7,446	7,169	4,737	4,041
	Guilty	2,303	2,301	2,109	1,328	1,113
	PBJ	4,504	4,518	4,568	3,038	2,628
	Other Disposition*	593	627	492	371	300
§21-902(c) Driving While Impaired by Drugs or Drugs and Alcohol	Total Cases	1,118	1,314	1,421	1,412	1,290
	Open Cases	35	34	59	154	329
	Closed Cases	1,083	1,280	1,362	1,258	961
	Guilty	265	283	372	291	234
	PBJ	307	372	382	372	300
	Other Disposition*	511	625	608	595	427

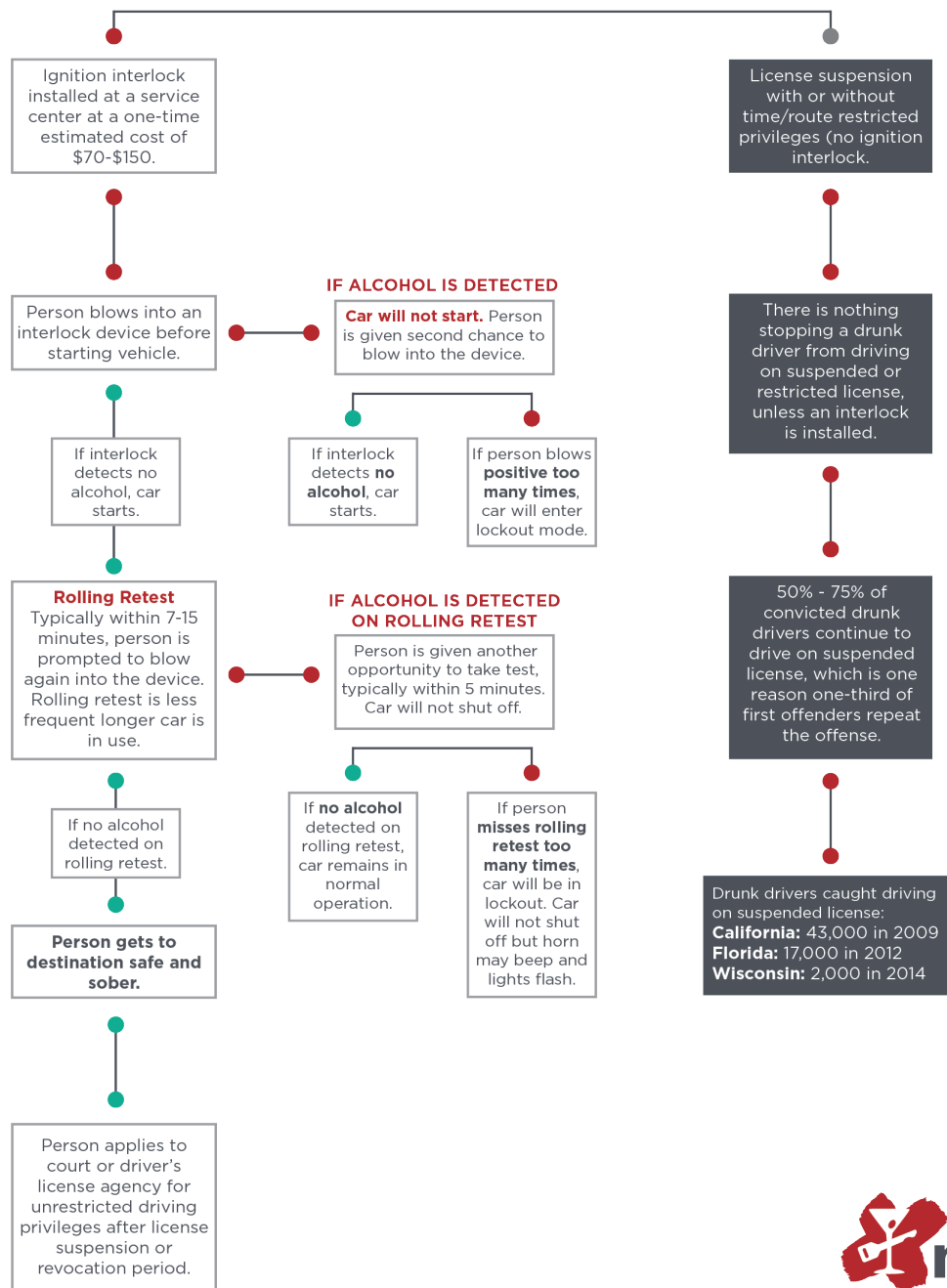
Source: Maryland’s Ignition Interlock Program Status Report, FY 2022

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.



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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).

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March 8, 2023

Members of the Judicial Proceedings Committee
Maryland Senate
Annapolis, Maryland

Re.: Support for "Drunk Driving Offenses – Ignition Interlock System Program,"
Senate Bill 528, 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," 2021

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 528, "Drunk Driving Offenses – Ignition Interlock System Program"** (Judicial Proceedings Committee Vice Chairman, Senator Jeff Waldstreicher, D-Montgomery County).

Succinctly, Senate Bill 528 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.

(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 current financial statement is available at www.wrap.org. WRAP, 7900 Westpark Drive, Suite A550, Tysons, VA 22102. Telephone and e-mail: wrap@wrap.org. Website: www.wrap.org. All rights reserved. © 2023 WRAP. All rights reserved. All other trademarks are the property of their respective owners.

According to the Maryland Motor Vehicle Administration (MVA) ("Maryland's Ignition Interlock Program, Status Report," 2022), more than half (50.95%) of persons (in closed cases) adjudicated for either DUI or DWI in Maryland in 2021 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.

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 528 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," 2021) 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 6,100 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 of traffic fatalities still involve drunk drivers (30.7% in 2021, MVA), *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 2021 bore witness to Maryland posting increases in the number of drunk driving crashes (up 4.9%) and number of persons injured in said crashes (up 3.9%) (MVA).

□□□□

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 528. 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

SB528_MeganMoore(MADD)_FAV.pdf

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Position: FAV

March 7, 2023

The Honorable Will Smith
Chairman, Maryland Senate Judicial Proceedings Committee

The Honorable Luke Clippinger
Chairman, Maryland House Judiciary Committee

Dear Chairman Smith and Chairman Clippinger:

When you are debating the merits of Senate Bill 528 and House Bill 451, requiring drunk drivers arrested for a first offense DUI who are sentenced to probation before judgment (PBJ) to complete 180 days on an ignition interlock device (IID) as a condition of their probation, I want you to consider the lives of those lost and those left behind due to the decision a drunk driver made.

June 5, 2021 my life was forever changed by the death of my son **Noah**. He was killed in a car crash caused by a drunk driver.

Noah was a United States Marine home on leave after his first deployment. I struggle to find the words to perfectly describe him, as I will not be able to truly capture his spirit, his zest for life, his charm and his unwavering loyalty and dedication to family and friends.

Noah is the ultimate victim, he is gone. He has been robbed of a life, a life full of love, laughter, and every extraordinary experience yet to be had, every goal yet to be dreamed.

But there are so many more victims of his preventable death, people left behind, those forced to navigate a new life without him.

The grief caused by the death of my son **Noah** is debilitating; adding the knowledge that his death was 100% preventable is abhorrent. If the driver had not gotten behind the wheel, if he had not started the car... These are the thoughts that will forever haunt me.

I ask that you please support and vote in favor of Senate Bill 528 and House Bill 451. You've been provided with statistics that show the IID has been proven to save lives. Please help save lives.

Sincerely,
Megan Moore
Noah Blonder's Mom

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Position: FAV

March 8, 2023

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

RE: Letter of Support – Senate Bill 528 – Drunk Driving Offenses – Ignition Interlock System Program

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) supports Senate Bill 528 as an opportunity to expand the use of an effective tool in combating the dangers of impaired driving.

Senate Bill 528 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 past five years in Maryland, there have been nearly 800 fatalities as a result of crashes involving an impaired driver. Deaths resulting from impaired driving crashes account for one-third of all roadway fatalities. Maryland strives to reduce that number by setting the goal of reaching zero fatalities on our roadways by 2030. The MDOT Motor Vehicle Administration (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 who do not. Since 2006, ignition interlocks prevented 26 million attempts to drink and drive (Mothers Against Drunk Driving (MADD) Ignition Interlock Report, January 2022). This statistic 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. Ignition interlocks allow drivers to continue driving sober.

Strengthening Maryland’s IIP program by requiring participation for impaired 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, MADD, the national advocacy organization, 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

The Honorable William C. Smith, Jr.
Page Two

describe as the largest in the country. Specifically, first-time convicted drunk drivers can avoid a mandatory ignition interlock referral when that verdict is set aside, and the drunk driver is granted a probation before judgement disposition. Senate Bill 528 addresses this gap by requiring all those receiving a probation before judgement for violating Transportation Article § 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 528 a favorable report.

Respectfully submitted,

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

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

AAA Mid-Atlantic's Testimony in Support of SB 528

Uploaded by: Ragina Ali

Position: FAV



AAA Mid-Atlantic's Testimony in Support of SB 528 – Drunk Driving Offenses - Ignition Interlock System Program

Sponsors: Senators Waldstreicher, Smith and West

- AAA Mid-Atlantic **supports** [SB 528 - Drunk Driving Offenses - Ignition Interlock System Program](#), which closes a loophole in Noah's Law.
- The bill mandates participation in the Maryland Interlock Ignition System Program (IISP) for those first-time offenders, who received a sentence of probation before judgment (PBJ) for driving while under the influence of alcohol.
- This technical change to the current IISP Program is critical to safety on our roadways.
- In spite of all the strides in traffic safety and efforts to reduce impaired driving, risky driving behaviors, such as drunk driving continue to plague our nation and the state of Maryland, despite being a totally preventable crime.
- A recently released report from the AAA Foundation for Traffic Safety found unsafe driving behaviors rose from 2020 to 2021.
- The most alarming increase was among drivers admitting to getting behind the wheel after drinking so much that they felt they were over the legal limit - **an increase of nearly 24%**.
- The National Highway Traffic Safety Administration (NHTSA) estimated that 42,915 people died in motor vehicle traffic crashes across the country in 2021, a 10.5% increase from the 38,824 fatalities in 2020.
- According to data from NHTSA, approximately 30% of all traffic crash fatalities in the United States involve drunk drivers (with BACs of .08 g/dL or higher).
- In 2021, in Maryland, out of a total of 563 traffic fatalities, 173, or slightly more than 30%, involved a driver who was impaired by alcohol and/or drugs, according to preliminary data by the [Maryland Highway Safety Office](#).
- Expanded use of ignition interlocks would help save lives in Maryland by preventing subsequent offenses, especially considering a large number (more than 50%) of first-time drunk driving offenders receive a PBJ sentence, according to the Maryland Department of Transportation's 2022 "*Maryland's Ignition Interlock Program, Status Report.*"

- 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.
- According to the U.S. Centers for Disease Control, ignition interlocks reduce repeat DWI offenses by approximately 70%.
- We recognize that interlocks are no panacea, but they are an effective tool in preventing impaired individuals from driving, endangering themselves and others on Maryland roadways.
- In every state, it's illegal to drive drunk, yet one person was killed in a drunk-driving crash every 45 minutes in the United States in 2020, according to NHTSA.
- We respectfully thank this Committee for all you have done in the past to combat drunk driving on Maryland roads and urge you to do even more by strengthening Maryland's law by expanding the use of ignition interlocks, a measure that has proven to be effective in the fight against drunk driving.
- On behalf of the more than one million AAA members in Maryland, we respectfully request this Committee give **SB 528** a favorable report.

Contacts:

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SB528 Noah's Law Written Testimony 3-8-23 (2) (2).p

Uploaded by: Richard Leotta

Position: FAV

SB528 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 528 - MoCo_Morningstar_FAV (GA 23).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 528

DATE: March 8, 2023

SPONSOR: Senator Waldstreicher, et al.

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT

Drunk Driving Offenses – Ignition Interlock System Program

Senate Bill 528 expands mandatory participation in Maryland's ignition interlock system program to include an individual who is granted probation before judgment (PBJ) for driving under the influence of alcohol or under the influence of alcohol per se or impaired by alcohol. If the offender refuses to participate in or fails to complete the program, the individual's license will be suspended by the Motor Vehicle Administration until the program is successfully completed. This is a 2023 legislative priority for Montgomery County.

The National Highway Traffic Safety Administration reported that in 2020, there were 11,654 alcohol-impaired driving deaths in the United States. Translated, about 32 people die every day in drunk driving crashes. This is a 14 percent increase in preventable deaths from 2019. Maryland made important changes to the State's impaired driving laws in 2016 by enacting Noah's Law (the Drunk Driving Reduction Act) that included increased penalties and expansion of its ignition interlock system program. While that law was a major step forward toward getting drunk drivers off the road, it did not go far enough.

Too many drunk drivers in Maryland continue to receive PBJs for driving under the influence (DUI), but if they complete a probationary period, they were not convicted of the violation, and therefore, were not required to have an ignition interlock device installed on their vehicles. Because most drunk drivers are repeat offenders, it is very likely that those receiving PBJs will get behind the wheel again and will endanger themselves and everyone around them. Ignition interlock programs work in reducing DUI recidivism. Senate Bill 528 will close this dangerous loophole in Noah's Law. Montgomery County urgently requests that the Committee adopt a favorable report on Senate Bill 528.

MDAD SB 528 Ignition Interlock System Program.pdf

Uploaded by: MDAD President MDAD President

Position: FWA



**Maryland Association of the Deaf
Written Testimony**

SB 528 - Drunk Driving Offenses - Ignition Interlock System Program

Wednesday March 8, 2023

Position: Favorable with Amendments

President

Kirsten Poston

Vice President

Tina Joyner

Secretary

Jacob Leffler

Treasurer

Board Members

Vikki Porter

Toyin Fasakin

Tisha Bera

Blaise Delahoussaye

Angela Rogers

Peter Un

The Maryland Association of the Deaf (MDAD) is a statewide organization that protects the interests of Deaf, DeafBlind, and Hard of Hearing Marylanders concerning accessibility and equity issues. The purpose of the Association shall be to preserve, protect, and promote the civil, human, and linguistic rights of Deaf, DeafBlind, and Hard of Hearing individuals in the State of Maryland. There are approximately 1.2 millions of Deaf, DeafBlind, and Hard of Hearing people in the State.

The Ignition Interlock System Program provided by the Motor Vehicle Administration (MVA) is not accessible for the Deaf and Hard of Hearing people. The devices provide two signals: 1) beeping sound and 2) the light bulb. With the beeping sound, how are we supposed to know when to do the breathing test if we cannot hear the beep? Regarding the light bulb, it can be blindsided if it is not in the line of sight. Also, the light bulb is too tiny to be seen especially in the sunray or sunlight. As a result of not hearing the sound and seeing the light as it is blindsided, Deaf and Hard of Hearing individuals are often penalized and get their license taken away or suspended because they did not take the breathing test at that time.

Several programs with MVA under the Behavior Health Administration often have programs for people who are required to attend due to their drunk driving records. Deaf and Hard of Hearing people require to have an interpreter so they can understand what is said/discussed. Oftentimes, they do not provide interpreters or captioning service, the information is not accessible and withheld from the Deaf and Hard of Hearing Community. We do not have to note but that violates the American with Disabilities Act (ADA) law by not providing interpreters or captioning for the Deaf and Hard of Hearing people in the State of Maryland. As you may know, ADA states that the vendor/place of service is responsible to provide these accommodations. MDAD has heard stories where Deaf and Hard of Hearing people were told to bring their own and that is not acceptable. It is important to the Maryland Association of the Deaf that the State is in compliance with ADA by providing accommodations for our community.

MDAD also understands that Senator West is introducing an amendment to meet our needs. The organization supports that amendment as well.

For those reasons, we support SB 528 with amendments.

MDAD Board of Directors

SB528_MACDHH_Westfall_FWA.pdf

Uploaded by: Michele Westfall

Position: FWA

SB528

Favorable With Amendments

Senator Smith
Judicial Proceedings Committee
2 East, Senate Office Building
Annapolis, MD 21401

Dear Chair Smith,

My name is Michele Westfall, and I'm the chair of the Maryland Advisory Council on Deaf and Hard of Hearing (MACDHH). MACDHH advises the Maryland Governor's Office of the Deaf and Hard of Hearing on matters and issues affecting the Deaf, Hard of Hearing, and DeafBlind communities. My position on this bill is favorable with amendments.

The Ignition Interlock System Program was created with good intentions, which was to keep drunk drivers off the road and to provide them with alcohol education classes. Unfortunately, some drivers with hearing losses have encountered difficulties with accessibility of the devices and alcohol education classes required by the program. The devices which test the driver's alcohol levels come with auditory alerts, which drivers with hearing losses are not able to hear, and the placement of the devices' fairy-size light make it very difficult for the driver to see safely and easily during the daytime. As a result, such drivers have been unfairly hit with penalties such as rolling retest violations, additional fines, extended participation in the program, suspension, or revocation of their driver's license.

We believe that the amendments added by Senator West will help these drivers, and we support this bill as amended. Thank you.

Sincerely,

Michele Westfall
Chair, Maryland Advisory Council on Deaf and Hard of Hearing
106 Garth Ter
Gaithersburg, MD 20879
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VikkiPorter_SB528.pdf

Uploaded by: Vikki Porter

Position: FWA

Favorable With Amendments

Senator Smith
Judicial Proceedings Committee
2 East, Senate Office Building
Annapolis, MD 21401

Dear Chair Smith,

My name is Vikki Porter, and I am Board Member At Large for the Maryland Association of the Deaf (MDAD). MDAD is the premiere non-profit member organization dedicated to promoting and preserving the quality of life for all Deaf/Hard of Hearing/DeafBlind (D/HH/DB) citizens from all walks of life in the great state of Maryland. I am also the Secretary of the Maryland Advisory Council on Deaf and Hard of Hearing (MACDHH). MACDHH advises the Maryland Governor's Office of the Deaf and Hard of Hearing on matters and issues affecting the D/HH/DB communities. In both of these roles, I have heard directly from the communities about various access issues such as fraudulent and unqualified sign language interpreters, open captioning, Text 911 issues, LEAD-K (language deprivation), and inaccessible products and/or services.

As for myself, I had a tangential and negative experience with inaccessible products and services that were mandated by the State of Maryland by way of the Motor Vehicle Administration (MVA). My spouse, who is considered Hard of Hearing, was convicted of several DUI charges, and was given the option to enroll in the Ignition Interlock Program (IIP). From the start of my spouse's participation, the accessibility of the program for D/HH drivers was thrown in question: from training videos not being captioned, to extremely small visual indicators on the IIP devices provided by LifeSafer, one of the authorized vendors.

These devices were designed with the assumption of the adequate hearing ability of the drivers, emitting (I was told) high pitched beeps programmed at certain intervals during the active operation of the vehicle. This was especially dangerous, because sometimes driving conditions—such as glare from the sun or bad weather, in addition to driving that already necessitated careful attention to the road—weren't favorable in seeing the tiny light going off for the driver to breathe in the devices. My spouse either scrambled to blow in the device when he casually looked over and saw the tiny flashing light, or was completely oblivious to the light and sound because his attention was focused on the road. He first brought the accessibility issues to the named contact in the letters he got for the rolling retest violations. The person did not adequately act on his concerns for about a year.

During that period of time, MVA's Driver Wellness and Safety (DWS) gave him the strongly suggested option of attending alcohol education classes, and gave him a list of authorized providers under the Behavioral Health Administration (BHA). He contacted a few of them who refused to provide communication access in the way of sign language interpreters, which is a direct violation of the Americans with Disabilities Act (ADA). To be completely sure that these vendors were actively unwilling to provide sign language interpreters, I made calls myself and had both Deaf and hearing colleagues make these calls... with the same results.

Out of frustration, I reached out to the Maryland Department of Transportation (MDOT) MACDHH representative. She made a few inquiries that did not go anywhere. My spouse and I both got runarounds for months. In the meantime, my spouse had to attend a court hearing because MVA wanted to revoke his driver's license due to the amount of alleged IIP violations. I went to the hearing with him as his advocate, and the judge heard both of our stories. The stories were convincing because she ruled in my spouse's favor. After the official part of the hearing concluded, the judge confessed she was baffled at MVA's inability to ensure accessibility for the devices and the repeated black holes that my spouse kept falling into due to his disability.

However, the rolling retest violations continued racking up. DWS issued a letter notifying my spouse that his license was going to be suspended. Exasperated with the whole matter at hand, I decided to take the enormous step in emailing the Secretary of Transportation, the Head Administrator of MVA, Governor's Office of the Deaf and Hard of Hearing (GODHH), MDAD, and other vested parties at cabinet levels about the lack of accessibility with IIP products and related services. In that email, I attached numerous PDFs of emails from him to the named contact in the letter, as well as my email in the role of MACDHH Secretary to certain MVA division heads that highlighted the inaccessibility of this particular program, products, and services under MVA's purview. As a result, MDOT and MVA representatives attended one of MACDHH's quarterly meetings and heard from the council about grave concerns about the IIP. About six months passed before they came back to one of MACDHH's recent meetings and shared updates. They identified and acknowledged gaps/loopholes and are taking steps to ensure that all of the IIP vendors are in compliance. However, they did not consult with any D/HH person or organizations, including GODHH. I reminded them of the adage, "Nothing about us without us."

While I believe in the purpose and intent of IIP, there are some serious flaws regarding accessibility. As I noted to the MDOT and MVA representatives who came to the MACDHH meeting, there should have been an independent evaluation of these vendors to ensure the accessibility of these products and devices. Even so there are some progress being made in-house, there needs to be clear and convincing language as to the nature of what fully accessible means.

All in all, my position on this bill is favorable with amendments. Until these products are fully vetted for accessibility purposes, D/HH drivers should not be penalized through no fault of their own for noncompliance due to their disability.

Thank you for your prompt consideration.

Warm regards,

Vikki Porter,
Board Member At Large, Maryland Association of the Deaf
Secretary, Maryland Advisory Council for the Deaf and Hard of Hearing
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SB 528 interlock oppose 2023.pdf

Uploaded by: John Giannetti

Position: UNF

Maryland Criminal Defense Attorneys' Association



Md Senate – Judicial Proceedings Committee

March 8 2023 1pm

Hearing on SB 528

“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: 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 fulfilment 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 licenses to drive commercial vehicles. Current law allows for commercial drivers charged under TR 21-902(b) to keep their licenses and jobs. See the testimony filed by witness Leonard Stamm, Esquire, MCDAA member.

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

leonardstamm opposition SB 528 2023.pdf

Uploaded by: Lenny Stamm

Position: UNF

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**Testimony of Leonard R. Stamm on behalf of
The Maryland Criminal Defense Attorneys' Association
in Opposition to
Senate Bill 528
March, 2023**

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 38 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 House Bill 451 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,

LEONARD R. STAMM