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IGNITION INTERLOCK SYSTEM PROGRAM - LETTER IN SUPPORT OF  
 HB 105 and SB 421

On behalf of the Maryland State’s Attorneys’ Association, please accept this letter in support of HB 105 and SB 421, the Ignition Interlock System Program.

When this law originally went into effect a few years ago, *mandatory* interlock did not (and continues to not) apply to drivers convicted of the TA §21-902**(b)** charge. It also did not (and continues to not) apply to those impaired drivers receiving a probation before judgment (**PBJ**) for either the **(a)** or **(b)** charge. The lone exception for a driver convicted of the **(b)** charge in which they did not receive a PBJ was if there was a minor in the vehicle. A “minor” is defined in TA §16-404.1 as a child under the age of 16.

While the Maryland State’s Attorneys’ Association applauds the General Assembly for originally passing the original interlock bill into law, as you will see from the following numbers, the current mandatory ignition interlock applies to but a very small percentage of Maryland’s impaired drivers. The chart below indicates some impaired driving figures in Maryland from 2017 – 2021 (Data as reported by the National Study Center):

<u>Year</u>	<u>Convicted w/no PBJ</u>	<u>Convicted w/PBJ</u>	<u>Total Guilty Findings</u>
2021	2,718	5,614	8,332
2020	2,799	5,377	8,176
2019	4,058	8,559	12,617
2018	3,484	7,410	10,894
2017	4,674	9,169	13,843
<b>TOTALS</b>	<b>17,733</b>	<b>36,129</b>	<b>53,862</b>

Of the 53,862 impaired drivers who were found guilty of a TA §21-902 offense during the years 2017 - 2021, 36,129 received a PBJ for the impaired driving offense. In other words, **67% of all convicted impaired drivers over that five year period would not have been subject to the mandatory provisions of Noah’s law, strictly due to the PBJ exception.**

But those numbers aren’t the end of the story, unfortunately. According to the Maryland State Police, the breath/blood test refusal rate for persons arrested for suspicion of driving impaired is also sky-rocketing. The figures below encompass the refusal rates for the past four years:

<u>Year</u>	<u>Persons Arrested</u>	<u>Refused Test</u>	<u>Refusal Rate</u>
2023	11,847	5,293	44.7%
2022	13,722	6,091	44.4%
2021	14,903	6,201	41.6%
2020	14,177	5,527	39.0%
<b>Totals</b>	<b>54,649</b>	<b>23,112</b>	<b>42.3%</b>

As the above data indicates, every year the percentage of persons arrested for impaired driving who refuse to provide a breath or blood sample continues to rise. It’s no secret that many defense attorneys tell their clients, if arrested for impaired driving, refuse to take the breath test and refuse to do field sobriety tests. Without breath test results, it is extremely difficult for prosecutors to obtain convictions for the TA §21-902(a) charge, except in cases of extreme intoxication. Again, as the law is currently written, those who are “only” convicted of the (b) violation are not subject to mandatory interlock, providing a loophole one could drive a truck through.

It is without question that ignition interlock saves lives. An *impaired* driver (§21-902(b)) is just as dangerous to the citizens of Maryland (or to citizens of any other state who are driving on our highways) as a person who drives *under the influence* (§21-902(a)) and should be subject to ignition interlock.

For the reasons stated above, the Maryland State’s Attorneys’ Association strongly supports HB 105 and SB 421 and urges that it receive a favorable report.

Respectfully Submitted,

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 Traffic Safety Resource Prosecutor  
 Maryland State’s Attorneys’ Association

