

HB105 Drunk Driving Offenses – Ignition Interlock Systems Program

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

Two out of three people will be impacted by an impaired driver in their lifetime. Impaired driving is on the rise, and we need to use all measures to curb this deadly threat. I have come before this body politic in Annapolis for many years since Noah's Law was passed and tried to have common sense improvements made to Noah's Law that would save lives. However, for one contrived reason or another you have not incorporated these improvements into law thereby, not meeting your most basic responsibility to protect the victims and the community of Maryland. Your negligence in this regard has contributed to many unnecessary deaths and injuries at the hands of impaired drivers. You now have a choice before you to continue to be obstructionists with blood on your hands, or you can redeem yourself and pass HB105 and save lives. The Bill is a measure that will make improvements to Noah's Law that 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
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- 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 their first time caught for a serious and deadly crime they have committed many times before.
- **Interlock Cost Too Much:** There are robust affordability provisions included in Noah's Law for those that cannot afford the cost. However, my data shows that **83%** of 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 the state of Utah .05 BAC is considered impaired.

Discussion of Judge's discretion:

- A judge maintains discretion no matter what any law stipulates. In fact, I witnessed ill-advised judge's not require an interlocking device be installed on the vehicle of **convicted** impaired drivers. 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, stop being obstructionists with blood on your hands and help protect the victims and the community of Maryland, 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 us save lives and make Maryland a state where 67% of drunk drivers do not repeat and reduce fatalities from drunk driving by 15%.**

