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Opposition to SB 38

BILL: Senate Bill 38 - Vehicle Laws - Ignition Interlock System Program - Required Participation

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: January 21, 2026

The Maryland Office of the Public Defender respectfully requests that the Senate Judicial Proceedings Committee issue an unfavorable report on Senate Bill 38. This legislation, filed by Chair Smith at the request of the Department of Transportation, requires anyone seeking a modification of a licensure suspension or modification to participate in the Ignition Interlock System Program.

The principal problem with SB 38 is that individuals frequently have their licenses suspended pursuant to Section 21-902(c) of the Transportation Article for driving under the influence of substances *other than alcohol* (e.g. marijuana or Ambien), the only substance detected by the Ignition Interlock System. In short, it does not make sense to require people to pay for and participate in the Ignition Interlock System Program, which is quite expensive, if the detection system is unlikely to alert for the substances those same people have a history of using while driving. This bill should be limited to individuals who are participating in the Ignition Interlock System Program because of a history of driving while impaired *by alcohol*. As currently drafted, however, this bill is overly burdensome and ineffective.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 38.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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