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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,

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