Legislative History for Connecticut Act

2003

Act Number:	265	
Bill Number:	6698	
Senate Pages:	4403, 4405-4406	**3**
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Committee:	Judiciary: 3015-3016, (3062-3066), 3143-3148, 3172-3173, 3237-3244	**23**

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2003

VOL. 46
PART 14
4131-4421

SEN. LOONEY:

Thank you, Madam President. On Senate Agenda No. 4, under House Bills Favorably Reported, Substitute for HB 6698, An Act concerning drunken driving, Madam President, would ask for suspension for consideration of that item.

THE PRESIDENT:

Without objection, so ordered.

SEN. LOONEY:

Thank you, Madam President. I would move that item to the Consent Calendar.

THE PRESIDENT:

Without objection, so ordered.

SEN. LOONEY:

Thank you, Madam President. Also on Senate Agenda No. 4, HB No. 6699, An Act concerning the Revisor's 2003 Technical Corrections to the General Statutes, Madam President, would ask for suspension to take up this item.

THE PRESIDENT:

Without objection, so ordered.

SEN. LOONEY:

Thank you, Madam President. Would move this item to the Consent Calendar.

THE PRESIDENT:

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber? Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber?

Madam President, the fourth Consent Calendar, from Agenda No. 4, Substitute HB 6698, HB 6699, HJR No. 190 and, finally, Madam President, from Senate Agenda No. 1, HB No. 5837. Madam President, that completes those items placed on the fourth Consent Calendar.

THE PRESIDENT:

Thank you, sir.

If all members have voted, the machine --

THE CLERK:

The Senate is voting by Roll. Will all Senators please return to the Chamber?

THE PRESIDENT:

The machine will be locked.

Clerk, please announce the tally.

THE CLERK:

The motion is on adoption of Consent Calendar No. 4,

Total number voting, 36;

Necessary for adoption, 19;

Those voting Yea, 36;

Those voting Nay, 0;

Those absent and not voting, 0.

THE PRESIDENT:

The Consent Calendar is adopted.

SEN. LOONEY:

Madam President?

THE PRESIDENT:

Senator Looney.

SEN. LOONEY:

Yes. Thank you, Madam President. On Senate Agenda No. 3, there was an item, Introduction of Senate Resolution, SR No. 38, raising a committee to inform the House of Representatives that the Senate is ready to meet in Joint Convention.

I would move adoption of that Resolution.

THE PRESIDENT:

Without objection, so ordered.

SEN. LOONEY:

Thank you, Madam President.

THE PRESIDENT:

At this time, the Chair would like to appoint the following individuals to inform the House that we are prepared to meet them in Joint Session. Senator Fonfara, Senator Peters and Senator Fasano. If you will

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rise?

REP. AMANN: (118th)

Madam Speaker, I move that we pass temporarily please.

SPEAKER LYONS:

The question before the Chamber is on passing this bill temporarily. Hearing no objection, that motion carries, sir.

Would the Clerk please call Calendar 410?

THE CLERK:

On Page 22, Calendar 410, Substitute for HB No. 6698, An Act concerning drunken driving. Favorable report of the Committee on Appropriations.

SPEAKER LYONS:

Representative Chris Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage.

Will you remark?

REP. STONE: (9th)

Yes. Thank you, Madam Speaker. This is a very

important bill before our General Assembly. It provides for the use of ignition interlock devices for those convicted of driving under the influence during the second and third year of any driving limitations within their driver's license.

It also provides that any person who has been arrested prior to a conviction, that a judge may, in his or her discretion, provide for the use of an interlock device on his or her motor vehicle.

Also, Madam Speaker, it provides that the interlock device, once employed, cannot be tampered by another individual and no other individual, no third party, can activate that interlock device in order to facilitate the use of the motor vehicle by the person who has been convicted or arrested.

I move adoption -- I'm sorry. Strike that.

Madam Speaker, the Clerk has, if I may, LCO No. 6986. I ask that he call and I be allowed to summarize. 6986.

SPEAKER LYONS:

The Clerk has in his possession LCO 6986, designated House "A". Would the Clerk please call? The gentleman has asked leave to summarize.

THE CLERK:

LCO No. 6986, House "A", offered by Representative

Lawlor.

SPEAKER LYONS:

Representative Chris Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. This amendment strikes Section 2.

I move adoption.

SPEAKER LYONS:

What is your pleasure, sir?

REP. STONE: (9th)

I move adoption.

SPEAKER LYONS:

The question before the Chamber is on adoption.

Will you remark? Will you remark on the amendment that's before us?

Representative Stone, do you care to remark?

REP. STONE: (9th)

No, Madam Speaker.

SPEAKER LYONS:

Okay.

Anybody else care to remark? If not, let me try your minds.

All those in favor please signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Will you remark further on the bill that is before us?

REP. STONE: (9th)

Thank you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. The Clerk has LCO No. 6706. I ask that he call and I be allowed to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 6706, designated House "B". Would the Clerk please call? The gentleman has asked leave to summarize.

THE CLERK:

LCO No. 6706, House "B", offered by Representatives Lawlor and Klarides.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. There's a typographical error in the bill on Line 114. This changes the reference from the Commissioner of Public Health to the

Commissioner of Public Safety.

I move adoption.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark? If not, let me try your minds.

All those in favor signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Will you remark further on the legislature that's before us?

REP. STONE: (9th)

Yes.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. Excuse me. The Clerk has LCO No. 6760. I ask that he call and I be allowed to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 6760, designated House "C". Would the Clerk please call? The

gentleman has asked leave to summarize.

THE CLERK:

LCO No. 6760, House "C", offered by Representative Lawlor.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. This amendment is to Line 92 of the underlying bill. There is a technical error in that it refers to a degree of alcohol content of eight-hundredths of one percent. It should read twenty-five-thousandths.

I move adoption.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? If not, let me try your minds.

All those in favor signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Will you remark further? Will you remark?

REP. STONE: (9th)

I move passage of the bill as amended, Madam

Speaker.

SPEAKER LYONS:

Thank you, sir.

Will you remark further?

Representative Cocco.

REP. COCCO: (127th)

Thank you, Madam Speaker. The Clerk has an amendment, LCO 7585. Would he call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 7585. Would the Clerk please call? The lady has asked leave to summarize.

THE CLERK:

LCO No. 7585, House "D", offered by Representative Cocco and Senator Ciotto.

SPEAKER LYONS:

Representative Cocco, what is your pleasure, Madam?

REP. COCCO: (127th)

Thank you, Madam Speaker. This amendment is actually the DMV bill which was not done by the Chamber. It has several sections which address many aspects, mostly technical, in the DMV bill. It also corrects some language in a bill that we adopted earlier this week, the teenaged driving bill.

I move adoption.

SPEAKER LYONS:

The question before the Chamber is on adoption, on adoption. We are on the amendment only. We are on the amendment only. If you care to remark on the amendment, please catch my attention. If not --

Representative Scribner.

REP. SCRIBNER: (107TH)

Thank you, Madam Speaker. I rise in support of the amendment before us. It is in concurrence with the Transportation Committee and the Commissioner's Office of the Department of Motor Vehicle.

I urge adoption. Thank you.

SPEAKER LYONS:

Once again, on the amendment. We are on the amendment only.

Let me try your minds.

All those in --

Representative Barry.

REP. BARRY: (12th)

Thank you, Madam Speaker. I rise in support of this amendment as well. As the esteemed House Chairwoman of the Transportation Committee intimated, this is a -- there is a provision in this amendment that establishes a task force to study the use and display of

flashing lights on motor vehicles. This is a wise idea. And I would like to thank her for working diligently to create this task force. There are serious deficiencies in our General Statutes regarding the classes of persons that are permitted to law to use flashing lights and sirens on their vehicles.

One glaring example of such a deficiency in our statutes is that which affects lights and sirens used on motor vehicles of volunteer firefighters. Currently, DMV has an informal policy regarding this. It is my hope that this task force, when its work is completed, will see fit in its ultimate wisdom to arm volunteer fire chiefs and their deputies with unequivocal legislation authority to use flashing red and white lights and sirens on their motor vehicles while on the way to the scene of an emergency.

I urge my colleagues to support this amendment.

SPEAKER LYONS:

Thank you, sir.

Once again, on the amendment. On the amendment. Would you care to remark on the amendment?

Representative Winkler.

REP. WINKLER: (41st)

Thank you, Madam Speaker. A question, through you, to Representative Stone.

SPEAKER LYONS:

Please frame your question.

REP. WINKLER: (41st)

Representative Stone, this interlocking device, the legislation --

SPEAKER LYONS:

Right now, Representative Winkler, I believe we are on the amendment. The amendment --

REP. WINKLER: (41st)

That is the amendment. The interlock --

SPEAKER LYONS:

No, Madam. We are on the DMV amendment.

REP. WINKLER: (41st)

I'm sorry.

SPEAKER LYONS:

That's okay.

Do you care to remark on the amendment before us? On the amendment. If not, let me try your minds.

All those in favor please signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

VOICES:

No.

SPEAKER LYONS:

The Ayes have it. The amendment is adopted.

Once again, would you care to remark on the legislation that is before us?

Representative Winkler, would you now care to remark?

REP. WINKLER: (41ST)

Thank you, Madam Speaker.

Representative Stone, the interlocking device is being -- was originally set at .08. Is that correct? And this language will --

REP. STONE: (9th)

That is correct.

REP. WINKLER: (41st)

And this language will change it to .025. Is that correct?

REP. STONE: (9th)

Through you, Madam Speaker. That is correct.

REP. WINKLER: (41st)

Could you tell me what individuals will be having this interlocking device set at .025?

REP. STONE: (9th)

Through you, Madam Speaker. People convicted twice for driving under the influence.

Through you, Madam Speaker.

REP. WINKLER: (41st)

I'm sorry, sir. I can't hear you.

REP. STONE: (9th)

People -- through you, Madam Speaker. People who have been convicted twice of driving under the influence in violation of the Connecticut General Statute 14-227a.

Through you, Madam Speaker.

REP. WINKLER: (41ST)

And, through you, Madam Speaker. Could you tell me how many other states have this interlocking device and set at this limit, at this .025 or --

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Yes, Madam Speaker. There are other states who have adopted this. In fact, these are Federal guidelines which we're employing in order to take advantage not only of providing safer roads but also additional transportation funds from the Federal Government.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Winkler.

REP. WINKLER: (41ST)

Thank you. I thank the gentleman for his response.

Thank you.

SPEAKER LYONS:

Thank you, sir.

Would you care to remark further?

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment, LCO 7622. If the Clerk would please call and I be permitted to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 7622. Would the Clerk please call? The gentleman has asked leave to summarize.

THE CLERK:

LCO No. 7622, House "E", offered by Representative Ward.

SPEAKER LYONS:

Representative Ward, you have the floor.

REP. WARD: (86TH)

Thank you, Madam Speaker. Madam Speaker, what this amendment does is make a change to the teenaged driving bill that we passed to make it clear that those who are able to teach you to drive can also be a passenger for the first three months.

And I move adoption.

SPEAKER LYONS:

The question before the Chamber is on adoption.

Will you remark?

REP. WARD: (86th)

Briefly. I'd just like to thank the Chairman of the Transportation Committee for cooperation in making this correction.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Would you care to remark? We are on the amendment, on the amendment only.

All those in favor please signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Would you care to remark on the legislation before us?

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Madam Speaker. Through you, to the proponent of the bill, Madam Speaker.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Thank you, Madam Speaker. Through you. When we say two convictions, we're not talking the utilization of the alcohol education program as well. Are we?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through you, Madam Speaker. No.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. We are now creating two standards. One that we passed not long ago that said .08. And now for someone that's involved in the interlocking device, I believe that's .25. Is that correct?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through you. It's .025.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. Through you, Madam Speaker. Who will monitor that when a person is stopped driving to determine whether or not, in fact, it is appropriately calibrated?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through you, Madam Speaker. The interlocking device is activated when you try to start your car. So I would imagine that if they're driving, that they wouldn't be above the .025 level.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Through you, Madam Speaker. Who is going to calibrate that device to indicate that it is, in fact, operating correctly? Through you, Madam Speaker. In the Breathalyzer test, clearly there is an establishment of whether or not that device is appropriately working.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through you, Madam Speaker. There's authority for the Commissioner to set regulations for that calibration and that certification of that calibration.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79TH)

Excuse me, Madam Speaker. One moment please.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. I apologize for that. But I was trying to --

SPEAKER LYONS:

That's okay.

REP. DIAMANTIS: (79th)

-- not become redundant in the questioning. I will stop my questioning at that point.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the legislation before us? Will you remark further?

Representative Noujaim.

REP. NOUJAIM: (74TH)

Thank you, Madam Speaker. Through you, Madam Speaker.

SPEAKER LYONS:

Please frame your question.

REP. NOUJAIM: (74TH)

Just one quick question to the proponent.

Representative Stone, on Line 32 and 33, it talks about the approved ignition interlock device. If I may ask you? Through you, Madam Speaker. Who would be paying for this device, for the price of the device and the installation of the device and its maintenance?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. It doesn't specify in the bill. I would assume that the person that's convicted would pay. If they're indigent, there would be provisions for a State-funded interlocking device.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Noujaim.

REP. NOUJAIM: (74th)

Thank you, Madam Speaker. So the State, if I am

correct, then will not be involved in any of the expenditures.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through -- I apologize. Through you, Madam Speaker. If the person is indigent, there are procedures by which the State will pay for that device, just as there are procedures now where we can get waiver of fees, waiver of costs, waiver of application fees in various either criminal or motor vehicle violation arrests and prosecutions.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. NOUJAIM: (74th)

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the legislation --

Representative Diamantis, would you care to remark further?

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker. I just have one other

question, Madam Speaker.

SPEAKER LYONS:

Please proceed.

REP. DIAMANTIS: (79th)

We just recently passed a boating bill. Would this apply to that as well?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through you, Madam Speaker. No.

REP. DIAMANTIS: (79TH)

Through you, Madam Speaker. So if you're intoxicated, now that we passed the bill with respect -- or a law with respect to driving intox-- boating intoxicated, we don't have the same standard for folks on a boat.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through you, Madam Speaker. The boating bill does not apply to this bill.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Diamantis.

REP. DIAMANTIS: (79th)

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

Would you remark further? If not, staff and guests come to the well. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber.

SPEAKER LYONS:

Have all the members voted? Have all the members voted? Would the members please check the board to make sure that your vote is accurately recorded? We are not going to be holding open the machine. I would suggest you stay close to the Chamber. I will be closing the machine.

Have all the members voted? Have all the members voted? Would the members please check the board to make sure your vote is accurately recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

HB 6698, as amended by House "A", "B", "C", "D" and "E",

Total number voting, 144;

Necessary for passage, 73;

Those voting Yea, 143;

Those voting Nay, 1;

Absent, not voting, 6.

SPEAKER LYONS:

The bill as amended passes.

Representative Godfrey.

REP. GODFREY: (110th)

I move that all items acted upon today needing further action by the Senate be immediately transmitted to that body.

SPEAKER LYONS:

The motion is immediate transmittal to the Senate. Hearing no objection, that motion carries.

Would the Clerk please call Calendar 427?

THE CLERK:

On Page 5, Calendar 427, HB No. 6699, An Act concerning the Revisor's 2003 Technical Corrections to the General Statutes. Favorable report of the Committee on Judiciary.

SPEAKER LYONS:

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happen now that they've got that out of the system.

So having said that, the first person signed up on the state official list is our Attorney General, Richard Blumenthal.

ATTORNEY GENERAL RICHARD BLUMENTHAL: Chairman Lawlor, Chairman McDonald, I'm pleased to be with you and I will be brief because I know you have a number of speakers after me. HB 6693

I'm here on several bills. First of all, I want to strongly state my support for S.B. 903, AN ACT CONCERNING THE PROTECTION OF CIVIL RIGHTS. This bill expands on Connecticut's very proud history of protecting rights of people with disabilities. It enhances the enforcement of those rights and helps protect them. It's a simple, logical way to provide justice for people who deserve an effective remedy in the event that they deserve restitutions and damages in federal court and the State must already comply with many of these provisions. I urge that this measure be adopted so that that source or recourse will be enhanced.

Second, I want to state my support for S.B. 906, AN ACT CONCERNING WHISTLE BLOWER COMPLAINTS. The major provision of this bill, in my view, is to expand and extend the current whistle blower protections to any state contractor and any employer of any state contractor without limiting it, as the law now does, to large state contractors. Anybody who is a victim of retaliation because he or she tells my office about waste or fraud in government deserves protection, whether they are an employee of a large or small contractor and I think that this measure sends a very important message, particularly in our current era.

Finally, I want to stress my support for H.B. 6698, AN ACT CONCERNING DRUNKEN DRIVING. Measures like this one have been on your docket before. You have considered them in previous sessions. This issue is of paramount importance, particularly as we go into the May, June season when more and more teenagers are on our roads and people in general are using them more frequently. We ought to be mindful that

drunk driving continues to plague our roads and exact an intolerable toll through crashes that occur unnecessarily as a result of drunk driving.

This bill contains four very significant initiatives. First, to authorize the use of interlock devices that prohibit an individual's use of a vehicle while intoxicated. This interlock device would be authorized for anyone on a second conviction. It would permit the judge to impose that device for two years of otherwise would be a three year suspension.

Second, it expands and imposes requirements as to blood alcohol testing of drivers involved in fatal or serious injuries in a crash. This kind of testing is vital to enforcement, as well as to liability claims and the public deserves this kind of additional testing protection.

Third, to provide for the forfeiture of a motor vehicle if the operator's driving under the influence with a suspended driver's license, a license that has been suspended because of a previous drunk driving offense. Forfeiture is a step that is taken in other areas of law without the kind of dire physical consequences of these violations of our drunk driving statutes and I would suggest that it's merit and appropriate here.

And fourth, to clarify that any driver's license suspension begins after any jail term is served, not during the time that a jail served is being served.

I might just also mention I have stated my support previously, I'm not sure it was to this committee, for H.B. 6693 which, in effect, is a social host bill. It imposes liability on any host of a party where minors are drinking. For any of you who are parents, this bill will have particular residence. It applies to anyone who has control physically of the premises where minors are drinking. It doesn't require that the person in control of the premises be actually dispensing that liquor. For example, if a group of minors bring liquor to a premises and they are drinking there, the social host can be

a minor to consume on private property.

Thank you.

REP. LAWLOR: Thank you, Chiefs and there's one bill that I don't think you mentioned in your testimony. It's actually a little bit interesting and complicated and I just wanted to pick your mind on it just briefly. (HB 6141) (HB 6698)

This is the mandatory testing in fatal accidents bill. Do you know what I'm talking about?

CHIEF JAMES STRILLACCI: We think that's a good idea. We weren't prepared to testify on it, but it would be helpful.

REP. LAWLOR: I just have a question about how we should write it to make sure it works, that's the thing I'm getting at and it seems that the problem is, the way this bill is written, it says that it's the existing law except it changes a "may" to "shall", but adds, "wherever there's probable cause to believe that someone's been operating under the influence".

But my reading of that is if there's probable cause, you could just arrest the guy. Why would you have to worry about whether there was a fatality or not if they're operating a motor vehicle? So I'm not sure there's a difference there, but Maine, apparently, has a statute and this is what I want to ask you about and maybe it's unfair to ask you here, but I'd just ask you to think about it, if nothing else.

That seems to require the testing of all drivers where there's a fatality or a serious injury without regard to whether or not there's probable cause, but the complicated thing is, what would you do if you had no probable cause to charge anybody with anything and they simply said to your officer, look, am I under arrest? And the officer says no. Well okay, either (a) I'm going home or (b) alright, I'll meet you at the police station and take the test and on route, you have no idea what they're going to -- I mean, is there any

circumstances under which you could take them into custody to bring them for the test? I'm not sure, absent a crime. I mean, they'll say fine, I'll come and take it or I want to take it at my doctor's office or I'll go to the hospital and maybe they could stop at the bar on the way. I mean, you know how these things work. That's one set of questions.

The next set of questions is, how would you train your officers to determine when -- I mean, if there's a dead body, there's a dead body, but if the way it says if there's a serious injury which may result in death, I mean, theoretically that could be any accident where there's any kind of injury. Somebody's in the ambulance on the way to the hospital, how would you know -- and I'm not sure exactly how officers would make that decision.

And so, these are two complicated problems. If we're going to write a bill, rather than do something that turns out there's a big loophole, try and figure it out now. So if you have any thoughts now, it would be great.

CHIEF JAMES STRILLACCI: As far as testing without custody, I would have to imagine that Maine's law would allow an officer to take custody of a person without an arrest.

REP. LAWLOR: I'll tell you what it says. It says you have to submit to a test. If you refuse, you lose your license. But at the hearing, you can get off the hook by doing one of two things, either proving (a) you weren't drinking. So in theory, I guess you bring in your next door neighbor or something, I don't know. Or (b) there was -- what was the other thing? I forget. But at the hearing, you could get off the hook by showing basically you bring in some evidence you weren't drunk or -- oh, that you weren't at fault in the accident.

And so it just seems a little bit weird --

CHIEF JAMES STRILLACCI: That sounds pretty hard to work. Absent observing the individual for the entire time, as you very well know, it wouldn't

stand up. It absolutely wouldn't stand up. So unless we actually invite the individual, on the basis of some state statute, to come down to headquarters and give us the test, I don't see that --

REP. LAWLOR: We could say that if you don't come, your license will be suspended. That's easy now, right?

CHIEF JAMES STRILLACCI: Yes. Exactly.

REP. LAWLOR: But how do you ensure that by the time you tell them that and the time they show up at the police station, --

CHIEF JAMES STRILLACCI: Oh no, they have to come with us.

REP. LAWLOR: I understand that, --

CHIEF JAMES STRILLACCI: We provide the ride.

REP. LAWLOR: -- but if they say, I'm more than happy to take a test. But if I said to you, look, I have no problem taking a test, I'll meet you at the police station or I'd like to go to -- how do you prevent them from doing that and how do you claim that they refused to take the test?

CHIEF JAMES STRILLACCI: I think the way you have to write it, Representative, is they're going to have to be -- they're going to have to ride down with us.

REP. LAWLOR: And then I guess that's the problem. How do you -- I mean, what if someone says no?

CHIEF JAMES STRILLACCI: Well, our current DWI statute has penalties for refusal.

REP. LAWLOR: But they're in custody. I mean, you've got them in custody. Now you're at the police station and after you do this, you say, now you want to take a test or not. So you know where they've been the whole time.

So, I mean, I think this is fraught with problems

and I'm not sure --

CHIEF JAMES STRILLACCI: I'd be interested to see how Maine is worded and working because I can't believe anything would contribute to a conviction absent having observation of that individual for the entire time when you make that decision.

REP. LAWLOR: I guess these are just all the loopholes that if we pass this statute and we found out later that there were these loopholes, it would undermine the integrity of the whole --

CHIEF JAMES STRILLACCI: Ten minutes later you show up and I was so nervous, I stopped to have a few belts.

REP. LAWLOR: Right and you know this is what people would say. The evading situation and stuff like that. But in any event, --

CHIEF JAMES STRILLACCI: Well, one benefit of having the requirement to do a testing is the issue of the person was injured or claims an injury at the scene. So you don't take custody at the accident scene. You can always arrest them later. Your first priority is safety and we frequently get the accidents where --

(INAUDIBLE-TAPE SWITCHED FROM SIDE 1B TO SIDE 2A, SOME TESTIMONY AND DIALOGUE NOT RECORDED)

CHIEF JAMES STRILLACCI: --- require the blood test and you get the result of that. This law would, I think, if I read it correctly, help us to do that.

REP. LAWLOR: But I think whatever we do it should be up front about what the limits of this kind of stuff are because it's bad to mislead people because it's a complicated situation if you have someone who says I'm happy to cooperate, but I'm going to my own car.

Representative Farr.

REP. FARR: Someone told me about one case where the guy said at the accident that he thought he was

injured. They gave him a ride in the ambulance to the hospital and he said, that's okay, now I don't need any testing and walked out.

REP. LAWLOR: Staggered out.

REP. FARR: Staggered out, yeah.

CHIEF JAMES STRILLACCI: That has happened and that's definitely --

REP. FARR: We ought not to be giving directions to people on what to do, but we ought to be able to try to plug that --

REP. LAWLOR: Well, we are lawyers, Bob.

REP. FARR: But that's part of the secret code.

REP. LAWLOR: Any further questions? Alright, thank you very much, Chiefs.

CHIEF JAMES STRILLACCI: Thank you.

CHIEF ANTHONY SALVATORE: Thank you.

REP. LAWLOR: Next on the public list is Tom Sellas.

THOMAS SELLAS: Good day, Representative Lawlor, and members of the Judiciary Committee.

SB903
HB6570

My name is Thomas Sellas. I'm a field representative for ASCME Council 4 and a retired Connecticut Correctional Officer with 22 years state service.

I'm here today to provide testimony on behalf of the 5,000 Department of Correction employees we represent regarding the union's strong objection to H.B. 6562, AN ACT CONCERNING STATE INMATES IN OUT-OF-STATE FACILITIES and to provide evidence to support our position.

The Governor's office and the Office of Policy and Management have consistently stated that sending inmates to out-of-state prisons saves the State of Connecticut millions of dollars per year. What the

the kind of stuff -- I'm not an attorney, but that's --

SUZANNE DICKINSON: Me either.

REP. GREEN: -- where the legal stuff comes in and I just want to make sure we understand what the intent is and the intent is to try to make sure --

SUZANNE DICKINSON: Well hopefully, -- this bill has been in the works for how many years? How many times has it been brought up?

SEN. RORABACK: It's the second time.

SUZANNE DICKINSON: Is this only the second time? So probably all you people, in your wisdom, will figure out the -- I'm not the lawyer.

SEN. MCDONALD: That's why we're scurrying around.

REP. GREEN: Thank you.

SEN. MCDONALD: Thank you very much and thank you for coming today.

The next speaker is Beverly Brakeman. Is she here? Okay. Steve Berry, followed by Nan Alexander.

STEVEN BERRY: Mr. Chairman, I would like to ask Ms. Dickinson to join me here if I maybe allowed, not necessarily to speak, but more for moral support. HB6698

SEN. MCDONALD: Sure.

STEVEN BERRY: And I think it's more important that -- I thought I was going to be the only one, but I'm not, I know I'm not, but I thought I'd be the only one here today.

My name is Steven Berry. Last year, my daughter was killed by a drunk driver. And I feel your pain and what it has dredged up in my after sitting here for five hours. I hope you'll forgive me.

Last year on January 6th, two troopers knocked on my door in the middle of the night and told me that

my daughter had been killed by a drunk driver. The drunk driver was driving the wrong way on Route 8 for about twelve miles at about 90 miles and hour when he struck the car that my daughter was a passenger in on the passenger side and killed her instantly.

Our community and our state lost a positive and future contributor to society and I lost my daughter. And it's because of her death and 157 others like her in our State last year that people have started to become educated regarding the loopholes in our drunk driving laws.

Stephanie's death and ensuing media coverage prompted Senator Roraback, thank you, for researching the issue further and bringing the mandatory issue to bear. Unfortunately, the bill was defeated last year at the last minute, I believe, because we had some other things attached to it, which rendered it weak and I'm hoping again that this body will consider it and get it to the point where it needs to be, to be able to pass it.

I sat before you last March, just weeks after Stephanie was killed and told you of the many loopholes that our state laws have. Several of you spoke to me afterwards and indicated that you were unaware of these issues and that point has been brought up a couple of times today.

I speak to a lot of people around the State in a lot of ways and nearly everyone I speak with around the State was unaware of these loopholes and they are universally appalled at the fact that Connecticut allows open containers. They are appalled that Connecticut allows drunk drivers who have injured or killed someone the freedom to refuse testing following a collision.

Being involved in an accident and having a minor injury or even claiming to have an injury essentially limits the ability of our police and trained medical personal at the scene of an accident, at the scene of a crime, to collect the evidence needed to make a proper arrest and prosecute the offenders.

Representative Green asked about whether we should test certain individuals in certain situations. We only have a two hour limit to get the testing done or these people can walk away. We have to test everybody.

In my daughter's case, the man who killed her sustained only minor injuries during the collision. And under our state laws, he could have refused testing, had his license suspended for just six months, he would have walked away serving no jail time, and he would be free to drink and drive and possibly kill or injury someone else and there are a lot of cases still out in our courts right now pending where this is actually the case.

And you just heard of another individual who was impacted by this.

In my daughter's case, the killer is now serving fifteen years for first degree manslaughter. Fortunately, the State's Attorney did a wonderful job in closing up a lot of loopholes and the individual stepped up and took accountability for his actions. But that happens very, very few times.

Last year I submitted to you a petition containing over 750 names and we gathered these signatures in just short of two weeks after my daughter's death. Those that signed the petition were your constituents and they were from all over the State. They became aware of the loopholes and had faith that those representing them would create the needed change. Things haven't changed a whole lot, however. In fact, in many cases they've gotten worse.

I have one friend who was broadsided by a drunk driver in May of last year. Fortunately, he sustained only minor injuries, but his car was totaled. Two other friends were run off the road in Barkhamsted last summer by a drunk driver who was later caught and slapped on the wrist and let go.

Two classmates of my daughter's also lost their lives within five months of the death -- of her

death as a result of drunk driving.

The Glastonbury case that you've heard a lot about today also gained major attention because of the number of people killed in one tragic event. Things have not changed. We have to do something about this. On a regular basis, drunk drivers inhabit our roadways and threaten the safety and well being of everyone. They escape prosecution by using those loopholes to their advantage and the State's Attorney and police can tell you countless times over the past twelve months where people have successfully avoided charges or prosecution as a result of the weakness in our state laws.

We need to strengthen these laws. I thank Senator Roraback for again bringing this to bear and the committee for bringing this bill in front of everyone and I thank you also for the opportunity to speak to this.

We have highly trained and competent medical personnel available at the scene of an accident. Why shouldn't we rely on their experience where individuals are injured or killed?

As you heard, they do it in thirty-nine other states. They're common sense practices and we still don't have the laws to effectively deal with them.

Last year I told you that I would not let my daughter become a statistic and I still am of that. I will not let that happen. I will stand here before you until we are able to get a mandatory bill passed, until we are able to close the loopholes and open containers and you have the ability, as our elected officials, to make this happen, to protect our rights and to protect the rights of the innocent people out on the roadways and walking along the roadways.

Please don't take that lightly. I know that you don't, but don't let wording and nay-sayers make this bill go away again.

Thank you.

SEN. MCDONALD: Thank you very much, Mr. Berry. Do any members have any questions? Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. Just briefly, both Mr. Berry and to Ms. Dickinson. Each of you are members of the public. You've each been here since noon or one o'clock. And you've each made it your business to educate us about what the consequences of our public policy are and the world that all of us inhabit, but particularly what the consequences of our inaction may have been in the lives of your families and I'm very grateful for your commitment to bettering the process. I'm very grateful to the chairs for raising the bill. And I do hope that this year we can make the changes that you're asking for.

Thank you, Mr. Chairman.

SEN. MCDONALD: Thank you. Any other questions or comments? Again, I just want to thank both of you for coming out and contrary to what you said, Mr. Berry, things do change because of the perseverance and determination from people such as yourself and Ms. Dickinson.

Thank you very much.

SUZANNE DICKINSON: Thank you.

SEN. MCDONALD: Representative McMahon.

REP. MCMAHON: (INAUDIBLE-MICROPHONE NOT ON) but did I -- or am I dreaming this? Years ago, did you hear of a car that would not operate, would not go if there was --

SEN. MCDONALD: It's part of this bill. That's part of this bill.

STEVEN BERRY: That was actually part of the sentencing of the person that killed my daughter, an interlocking device that when he is released, his car must have on it. It exists today.

REP. MCMAHON: Okay, alright.

SEN. MCDONALD: There's language in this bill that deals with ignition interlocks for convicted drunk drivers.

The next speaker is Nan Alexander.

NANETTE ALEXANDER: Good afternoon. I'll try to keep this brief. I know it's late in the day.

Thank you for hearing my testimony. I'm testifying today on S.B. 1055, professional corporations of physicians assistants.

I'm Nanette Alexander, formally. I'm a nurse practitioner. I'm the Co-chair of Government Relations for the Connecticut Nurse Practitioner Group.

Clarification. Our nurse practitioner group has about 500 members. There are several thousand APRN's in the group. Most of our membership is APRN's, advanced practice registered nurses. I can't speak for all of them. I know CNA was going to do some testimony for the nursing group, as well.

Section 1 of the bill adds physician assistants to the list of professional services. I do believe that this is reasonable. If we're going to make changes in this bill, I ask that we think about putting advanced practice registered nurses in as additional to nurses and nurse midwives.

At this point in time, technically most of us have a nurse's license, but as we're getting more specialized, it would behoove us to be more consistent with the rest of the statutes which APRN's are being added to individually, as well, and nurses for clarification purposes.

In my written testimony I have all the little lines that need to go in too.

What concerns me most is the subparagraph (d) of subdivision 2, which allows a new type of corporation consisting of physicians and physician assistants only. I do believe this would be

James F. Papillo, J.D.
Victim Advocate

STATE OF CONNECTICUT

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Testimony of James Papillo, Victim Advocate
Submitted to the Judiciary Committee
Friday, April 4, 2003

Good Afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record my name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of:

(1) **Senate Committee Bill No. 829,** *An Act Requiring Alcohol Testing of Drivers Involved in Accidents Resulting in Death or Serious Physical Injury;*
(2) **House Committee Bill No. 6141,** *An Act Concerning Drug and Alcohol Testing of Motor Vehicle Operators Involved in a Fatal Accident;*
(3) **House Committee Bill No. 6149,** *An Act Concerning Open Containers of Alcoholic Liquor in Motor Vehicles;*
(4) **Raised House Bill No. 6693,** *An Act Concerning Underage Drinking;*
(5) **Raised House Bill No. 6698,** *An Act Concerning Drunken Driving.*

The Office of the Victim Advocate (OVA) fully supports requiring motor vehicle operators involved in serious or fatal accidents to be tested for drugs and alcohol. Senate Committee Bill No. 829 and House Committee Bill No. 6141 will enable police officers, having probable cause that an operator is intoxicated, to obtain information needed to maximally protect public safety and respond appropriately during the course of his or her investigation. The National Highway Traffic Safety Administration reported in 2002 that an estimated 513,000 people are injured in alcohol-related crashes each year, an average of 59 people per hour or approximately one person every minute. In 2001, of the 312 total traffic deaths in Connecticut, 158 were alcohol related deaths or 51 percent.

The OVA has assisted many surviving family members of victims killed or seriously injured as a result of an alcohol related crash. It is important to understand that the drunk driver, by his or her conduct, in many cases, does not victimize only the person killed or injured in the crash. The number of crime victims related to the 158 alcohol-related traffic deaths is anticipated to be at least double that number.

The OVA supports the efforts to first reduce drunk driving and then further to reduce re-offending. Most recently, Connecticut has responded to the problem of drunk driving by lowering the blood alcohol level (BAC) from .10 to .08. House Committee Bill No. 6149 and Raised House Bill No. 6698 seek to further advance these efforts.

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Ignition interlock devices are designed to prevent anyone with a positive BAC from starting or driving a car. Driving is a privilege that should not be taken lightly. Requiring an ignition interlock device for the repeat drunk driver will remind him or her that driving is in fact a privilege and the consequences for repeated violations will not be tolerated. Additionally, these proposals make it clear that there is culpability and consequence to any individual willing to assist a repeat drunk driver.

Another important measure includes prohibiting the possession of an open container of alcohol in the vehicle while driving. The prohibition would extend to any passenger as well as the driver. There are many distractions while driving; an open container of alcohol and the affects of the alcohol are an unnecessary distraction.

Finally, Raised House Bill No. 6693 attempts to discourage many adults from hosting a house party or other event where alcohol may be available to minors. The OVA strongly supports the effort to reduce underage drinking and further to hold those accountable who provide alcohol to our youth. According to the Community Anti-Drug Coalitions of America, the median age at which children begin drinking is 13. Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21.

Far too many incidents of underage drinking have occurred in which the outcome has been the worst possible scenario for a parent to face. Many promising young lives have been needlessly lost as a result of underage drinking. As a parent we want our children to be safe and are sometimes willing to provide a "safe environment" to condone underage drinking. There is no such thing as a "safe underage drinking party."

I urge the committee to support all of the efforts put forth in these proposals. The end result may deter some to drink and drive and others to re-offend; either way, it will better serve the interests of public safety.

Thank you for considering my testimony.

James F. Papillo, Esq.
Victim Advocate, State of Connecticut

S.A.E OF CONNECTICUT
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Public Hearing – April 4, 2003
Judiciary Committee

Testimony Submitted by Commissioner James F. Byrnes, Jr.
Department of Transportation

H.B. 6698 – An Act Concerning Drunken Driving

The Department of Transportation (DOT) offers the following comments and suggestions regarding H.B. 6698, An Act Concerning Drunken Driving.

Under Federal Section 164 of Title 23, states are required to enact specific laws relating to repeat intoxicated drivers or face penalties. States that do not enact and enforce a conforming "repeat intoxicated driver" law by October 1, 2003, or on October 1 of any subsequent year, will have an amount equal to three percent of the funds apportioned to the State transferred from Sections 104(b)(1), (b)(3), and (b)(4) (Interstate Maintenance, National Highway System, and Surface Transportation Program funds) into the 402 Highway Safety Program and/or the Hazard Elimination Program. National Highway System and Interstate Maintenance funds are used for preliminary engineering, rights-of-way and construction activities.

On 10/1/02, a total of $10,416,025 was transferred for non-compliance under this program. The first transfer for Connecticut was for FFY 2001. The penalty was 1.5% for not enacting the law by 10/1/00 or $2,344,806. Again, in FFY 2002, 1.5% or $2,459,304 was transferred; and **for FFY 2003, 3% or 5,611,915 will be transferred.** The State does not lose funding; however, these transferred funds are restricted to the 402 Highway Safety Program and/or the Hazard Elimination program, precluding their availability to finance Interstate Maintenance and National Highway System projects, which was the original intent of these funds.

To avoid the transfer of funds, Connecticut's law must meet all four of the following requirements upon a second DUI conviction:

(1) A minimum one-year "hard" license suspension; (2) Impoundment or immobilization of, or the installation of, an ignition interlock system on motor vehicles owned by the offender; (3) An assessment of the offender's degree of alcohol abuse, and the imposition of treatment as appropriate; (4) A mandatory minimum sentence of not less than five days of imprisonment or 30 days of community service.

At this time, Connecticut's DUI law meets the requirements of criteria (1) and (4). If passed, H.B. 6698 would satisfy the requirements of criteria (2).

As written, H.B. 6698 does not meet the requirements of criteria (3) which requires that all repeat intoxicated drivers undergo "an assessment of their degree of alcohol abuse and authorize the imposition of treatment as appropriate". The State's DUI law does not meet this requirement. DOT would support this bill by including the following language to section 14-227f. With this language, Connecticut would be in compliance with criteria (3), and consequently meet all four criteria of Section 164.

Sec. 14-227f. Alcohol and drug addiction treatment program. Waiver. Appeal. Regulations.
(a) Any person whose motor vehicle operator's license or nonresident operating privilege is suspended under subsection (g) of section 14-227a for a conviction of a second or subsequent violation of subsection (a) of said section or under section 14-227b for a second or subsequent time shall participate in a treatment program ***WHICH INCLUDES AN ASSESSMENT OF THE DEGREE OF ALCOHOL ABUSE AND TREATMENT, AS APPROPRIATE,*** *approved by the Commissioner of Motor Vehicles. The commissioner shall not reinstate the operator's license or nonresident operating privilege of any such person until such person submits evidence to the commissioner that he has satisfactorily completed the treatment program.*

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation at (860) 594-3013.

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Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
April 4, 2003

House Bill 6698, An Act Concerning Drunken Driving

Good afternoon. Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch on **House Bill 6698,** ***An Act Concerning Drunken Driving.***

I would like to bring to the Committee's attention some concerns that the Judicial Bill has with the bill as drafted.

Lines 67-71 set the effective date of the license suspension to be the date of conviction. We would respectfully request that the suspension become effective when the Commissioner of the Department of Motor Vehicles receives notice of the conviction from the Judicial Branch. (The reference to the "Judicial Branch" rather than "the court" or "the clerk" is intended to facilitate the notice being delivered electronically for all courts at once.) Otherwise, the bill would require the court to pass the conviction information to the Department of Motor Vehicles on the date of the conviction, which is not always possible given the court's workload and the increasing volume of information that the court must deliver to a third party.

A second issue I would like to address is the ignition interlock device. We are making the following assumptions regarding this device: (1) It would be installed by a private company to which the "customer" will make direct payment, and (2) Enforcement of the requirement would be handled by the Department of Motor Vehicles or by police when there is a stop. If these presumptions are correct, we have no further issues with this portion of the bill. If they are not correct, we would have concerns with this portion of the bill as it would impose an additional workload on the court that cannot be absorbed within existing resources.

Thank you for your attention to these concerns.

Testimony submitted on April 4, 2003 on Bill #6698

My name is Steven Berry and at 3:30 in the morning on January 6, last year, two Connecticut State Troopers rang the doorbell at my home. I let them in and they proceeded to tell me that several hours earlier my daughter had been killed by an alleged drunk driver who was driving the wrong way on a divided highway at 90 miles per hour. She was the passenger in her best friend's car when it was struck head on as they rounded a curve.

Stephanie was 16 years old. She was 5' 6" tall with shiny blond hair, beautiful blue eyes and the most contagious smile you could ever imagine. She was young, vibrant and full of life. She had a wide circle of friends and touched many, many lives in her short time here. She was part of the student/peer mediation board in high school. She was the homecoming queen. She worked as a waitress at two different restaurants in order to help pay for the car she bought 5 weeks before her death. She received her driver's license just 10 days earlier.

Over 1200 people attended the services held for Stephanie and they have learned a harsh life lesson. Drunk driving kills. All the videos, commercials and driver's ed classes in the world could never drive home the point the way this incident has. Drunk driving kills. And it usually ends up killing the innocent and helpless.

It is because of her death 156 others like her, that people started to become educated regarding the loopholes in our drunken driving laws. Stephanie's death and the ensuing media coverage prompted Senator Roraback to research this issue further and raise Bill # 629 last year. The bill addressed the issue of mandatory testing.

I sat before this body last March, just weeks after Stephanie's death and told you of the many loopholes that our state laws have. Several of you spoke to me afterward and indicated that you were unaware of these issues. Nearly everyone I speak with in and around our state is unaware of these loopholes and they are universally appalled at the fact that Connecticut allows open containers. They are appalled that Connecticut allows drunk drivers who have injured or killed someone, the freedom to refuse testing following a collision. Being involved in an accident and having a minor injury or even claiming to have an injury, essentially limits the ability of police and trained medical personnel at the scene of an accident, at the scene of a crime, to collect the evidence needed to make a proper arrest and prosecute the offenders.

In my daughter's case, the man who killed her sustained minor injuries during the collision. Under our state laws he could have refused testing and had his license suspended for six months. He could have walked away serving no jail time and would be free to drink and drive and possibly kill or injure someone else. Fortunately that is not the case and my daughter's killer is now serving 15 years for 1st Degree Manslaughter.

Last year I submitted to you a petition containing over 750 names. We gathered these signatures in just two short weeks following my daughter's death. Those that signed the petition were your constituents and they were from all over our state. They were aware of the loopholes and had faith that those representing them would create the needed change. Things haven't changed though. In fact, things have gotten worse. One of my closest friends was broadsided by a drunk driver last May and his car was totaled. Fortunately he sustained only minor injuries. Two other friends were literally run off the road last summer by a drunk driver who was later caught. Two classmates of my daughters also lost their lives within five months of her death as a result of

drunk drivers. The Glastonbury case, gained major attention because of the number of people killed in one tragic event.

On a regular basis drunk drivers inhabit our roadways and threaten the safety and well being of everyone. They escape prosecution by using our laws to their advantage. The States Attorney and police can tell you of countless times over the past 12 months where people have successfully avoided charges or prosecution as a result of the weakness in our state laws.

Like those that signed the petition last year and like most of the other people I speak with about this issue, I never thought drunk driving was truly as prevalent as it is. Like most of them, I didn't know that Connecticut doesn't legislate against open containers. I assumed that police had the ability to properly investigate and require testing of individuals they suspected were intoxicated. They have the training, skill and experience. They see it all too often. We have trained and highly competent medical personnel available at the scene of an accident, why wouldn't we rely on that experience where individuals were injured or killed? They do it in 39 other states. Why wouldn't they here? I consider myself a reasonably intelligent individual. These seem to be common sense practices, yet we don't have laws that effectively deal with these issues.

Too many of these incidents quickly become statistics. Last year when I sat before you, I vowed to you that my daughter is not and will not become just another statistic. My daughter died needlessly, as did 156 others in our state last year. The mandatory testing bill was narrowly defeated last year, and only after last minute attachments to it.

You have, as our elected officials, the ability to help close the loopholes that exist in our state statutes around drinking and driving. You have the ability to protect the rights of the innocent and to better pursue and prosecute those convicted of driving while drunk and/or under the influence of drugs. Please don't take that responsibility lightly and please don't turn a deaf ear to this issue. You can and will make a difference and send a message.....this will not be tolerated in Connecticut.

Thank you.

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Office of The Attorney General
State of Connecticut

TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE JUDICIARY COMMITTEE
APRIL 4, 2003

I appreciate the opportunity to speak in support of House Bill 6698, An Act Concerning Drunken Driving.

Drunk driving continues to plague the roads of Connecticut, causing catastrophic and sometimes deadly injuries to innocent victims. Although nationally and in Connecticut drunk driving fatalities diminished for several years, the number is again rising. In 2001, 51% of the people killed on Connecticut roads (158 out of 312) were involved in alcohol-related crashes. The 158 drunk driving death toll in Connecticut reflects a significant increase over the 136 that occurred in 1999 -- and marks the first time in 10 years that alcohol was involved in more than half of all traffic fatalities. Plainly, we must redouble our efforts to stop drunk people from driving.

House Bill 6698 contains four significant initiatives. First, to authorize the use of interlock devices that prohibit an individual's use of a vehicle while intoxicated. Second, to require blood alcohol testing of drivers involved in a fatal or serious injury accident. Third, to provide for the forfeiture of a motor vehicle if the operator is driving under the influence with a suspended driver's license for a previous drunk driving offense. Fourth, to clarify that any driver's license suspension period begins after any jail term has been served.

Too often, hard-core drunk drivers continue to drive their cars even if their license has been suspended. About one-third of all drivers arrested for drunk driving are repeat offenders. Currently, drivers' licenses are suspended for three years if they are convicted of drunk driving twice within ten years. House Bill 6698 allows a court to suspend the license for the first year and require the driver to drive a car only for the remaining two years if such car is equipped with an ignition interlock system.

Under this legislation an ignition interlock system requires the operator to breathe into a device that records the blood alcohol count. If the count is above .08, the car ignition will not start. The system has been used successfully in a number of states. A recent report by the Pennsylvania Department of Transportation -- covering October 1, 2001 through September 30, 2002 -- found that 7,684 potential drunk drivers were stopped because their blood alcohol limit exceeded Pennsylvania's statutory requirement of .025. The interlock system prevented 7,684

potential drunk driver crashes. Passage of this provision is required by federal law to avoid state highway funding reductions.

The proposed legislation provides tough criminal penalties of up to 3 months imprisonment and $500 fine for an operator who tampers with the ignition interlock system, or requests another person to breath into the device. The committee may wish to consider increasing the criminal penalties to at least a Class A misdemeanor with potential imprisonment of 1 year and a fine of $2,000. The committee may also wish to consider lowering the blood alcohol threshold to be commensurate with the level for driving while impaired.

House Bill 6698 also mandates forfeiture of a motor vehicle driven by a person driving while intoxicated when the driver's license is suspended for drunk driving. The proposal uses the same forfeiture procedure established in our statutes for the disposal of other property confiscated during a criminal act. It ensures that rights of innocent owners of the motor vehicle are protected.

This measure also clarifies a current ambiguity in drunk driving penalty statutes. The statutes mandate criminal sanctions for drunk driving including fines, imprisonment and mandatory driver's license suspensions. These sanctions are considered cumulative. However, it is unclear whether a driver's license suspension begins at the time of sentencing or whether the license suspension begins at the time the driver has completed any jail time. This proposal would clarify that the period of driver's license suspension starts when the person completes any jail time -- that is, when he is first presented with the opportunity to drive, but for the suspension order.

Finally, House Bill 6698 requires a police officer to test any driver who is suspected of driving under the influence and is involved in a fatal or serious injury accident. The bill also requires a hospital to disclose blood alcohol levels from any testing that such hospital performs at the request of a police officer who has reason to believe that driver was driving drunk. Mandatory testing of drivers involved in fatal accidents, adopted in 39 states, would include accidents involving serious physical injury as defined in Conn. Gen. Stat. §53a-3. Often it is unclear at the time of the accident if a person is dead or will die. The actual declaration of a fatality occurs later at a hospital, when it may be too late to test the driver. Conn. Gen. Stat. §53a-3 defines serious injury as physical injury that "creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ."

If such driver refuses to take a test requested by the police, such person's license is suspended. Because of the serious nature of refusing to take a blood alcohol test after being involved in a fatal or serious injury accident, the proposal provides for a 3 year suspension of a driver's license.

Mandatory testing of drivers in serious crashes is critical because it: (1) ensures that all possible evidence is gathered for purposes of drunk driving cases; (2) assists victims of impaired driving crashes to obtain crime victim compensation funds; (3) prevents drunk drivers from

escaping prosecution and (4) provides more complete information on the role of alcohol in traffic crashes.

My office has reviewed a similar law in Maine that has operated there for more than 20 years. This law requires mandatory testing of all drivers involved in a fatal crash regardless of whether the police officer suspects the driver was driving drunk. If a driver refuses, the driver's license is suspended but can be reinstated if there isn't probable cause to believe the person was operating the motor vehicle while intoxicated. The Maine law is well regarded by law enforcement officials, health advocates and others.

I urge the committee's favorable consideration of House Bill 6698.