Legislative History for Connecticut Act

Act Number:	PA 04–250	
Bill Number:	101	
Senate Pages:	1857-1866, 1867-1868, 3559, 3609-3611.	**16**
House Pages:	5469-5486	**18**
Committee:	Transportation: 90-128	**39**

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2004

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1522-1871

The question is on adoption of the amendment. Will you remark? Will you remark? If not, all those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

A little more enthusiasm. All those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Senator McDonald.

SEN. MCDONALD:

Madam President, if there's no objection, might this item be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar 358, File 513, Substitute for S.B. 101 An Act Concerning The Administrative License Suspension Of Drunken Drivers And The Pretrial Alcohol Education System. Favorable Report of the Committees on Judiciary, Transportation and Appropriation. The Clerk

is in possession of amendments.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Thank you, Madam President. Madam President, move Joint Acceptance of the Committee's Favorable Report and passage of the bill.

THE CHAIR:

The question is on passage. Will you remark?

SEN. CIOTTO:

At this time, I'm going to ask to yield to Senator DeFronzo. Senator DeFronzo's put in a lot of time on this bill. Constituents of his suffered a loss. They were up before the Transportation Committee and it was also heard in the Judiciary, but Senator DeFronzo has been the key and the spark behind this particular legislation and therefore I'm going to yield to him at this time. Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Senator DeFronzo, do you accept the yield?

SEN. DEFRONZO:

I do, thank you, Madam President. First, Madam President, I'd like to thank Senator Ciotto and Representative Cocco and Senator Aniskovich on the

Transportation Committee for being staunch supporters of this bill and it's hard to conceive that anyone who heard the testimony before the Transportation Committee in February could not support the bill.

I also want to thank Senator Daily for her assistance in allowing this to come forth and Senator Harp for her assistance in Appropriations and Senator, who was that, Senator McDonald in Judiciary who got it out of Judiciary Committee for us.

And I also want to express a special thanks to Senator McKinney for his assistance this afternoon in cooperating with the movement of the bill.

Madam President, this bill will allow the Commissioner of Motor Vehicles to immediately suspend the driver's license of any individual involved in a fatal DUI accident, or in the case of drivers arrested for a second or more DUI offense within a ten year period.

Madam President, the bill also allows someone charged with a DUI offense who has applied for pretrial alcohol education program to be ordered to complete either an alcohol intervention program or substance abuse treatment program, depending on the findings of the assessment ordered by the court.

Madam President, this is an important bill. It has

the support of Mothers Against Drunk Driving, the Attorney General, the family of this young man who I'm going to take a moment to explain, a young Berlin resident 19 years old was struck and killed by an individual operating a motor vehicle while he was awaiting his administrative hearing on a DUI, his second DUI incident in the last ten years and was two days away from the administrative hearing, essentially two days away from the suspension of his license when this accident occurred taking the life of this young man.

So it's an important bill, Madam President. I urge passage. There are several amendments, though, and I'd like to call the first of those amendments if I might, through you, Madam President. Would the Clerk please call LCO3705.

THE CLERK:

LCO3705 which will be designated Senate Amendment Schedule "A". It is offered by Senator DeFronzo of the 6th District.

THE CHAIR:

Senator DeFronzo.

SEN. DEFRONZO:

Madam President, I move adoption of the amendment.

THE CHAIR:

The question is on adoption. Will you remark?

SEN. DEFRONZO:

Yes, Madam President. You will note that there is a fiscal note on this bill indicating that it would cost the Department of Motor Vehicles approximately $250,000 to retrofit its computers to allow for appropriate notification under the new provisions of this act.

So we are proposing in this amendment an increase in the license reinstatement fee from $100 to $125. That will raise $1 million annually. We are designated in this amendment that the first $250,000 be dedicated to the Department of Motor Vehicles for the cost of implementing those computer upgrades. The balance of the money will flow into the Transportation Fund as is the case with fee adjustments in the Department of Motor Vehicles.

I ask for support of the amendment, Madam President. Thank you.

THE CHAIR:

The question is on adoption of Senate Amendment "A". Will you remark? Will you remark? If not, all those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment

is adopted. Will you remark further on the bill as amended? Senator DeFronzo.

SEN. DEFRONZO:

Thank you, Madam President. Madam President, I'd like to yield to Senator Roraback.

THE CHAIR:

Senator Roraback, do you accept the yield?

SEN. RORABACK:

With pleasure, Madam President. Thank you and thank you, Senator DeFronzo, Senator Ciotto. Not only Madam President, do we get to address a very real circumstance that Senator DeFronzo's constituents brought to the General Assembly, but this bill also makes a substantive improvement in the alcohol education program.

Madam President, the Clerk has an amendment which is LCO4227. If the Clerk could please call the amendment and I might be allowed to summarize.

THE CLERK:

LCO4227 which will be designated Senate Amendment Schedule "A". It is offered by Senator Roraback of the 30th District et al.

THE CHAIR:

Senator Roraback.

SEN. RORABACK:

Thank you, Madam President. I move adoption.

THE CHAIR:

The question is on adoption. Will you remark?

SEN. RORABACK:

Yes, thank you, Madam President. The amendment makes some technical changes to the underlying file copy which essentially puts in place a mechanism where people that the Department of Mental Health and Addiction Services identify as being chronic substance abusers can go through an alcohol education treatment program rather than an education program.

Madam President, the bill is the outgrowth of many hours of meetings with the Department of Motor Vehicles, the Department of Mental Health, the Judicial Branch, the Chief State's Attorney's office and it is going to make our highways safer and also offer people with substance abuse, chronic substance problems an opportunity for treatment arising out of being apprehended for driving under the influence.

I urge support. Thank you, Madam President.

THE CHAIR:

The question is on adoption of Senate Amendment "B". Will you remark? Senator DeFronzo.

SEN. DEFRONZO:

Thank you, Madam President. Madam President, I

want to rise in support of the amendment and thank Senator Roraback for his great assistance in moving this bill forward. Thank you, Madam President.

THE CHAIR:

If all, excuse me. The subject before us is adoption of Senate Amendment "A". Will you remark further? "B", excuse me. The Clerk just reminded me that he called it as "A" and it really is "B". That's why we're confused.

The question before us is adoption of Senate Amendment "B". Will you remark further? If not, all those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Senator Ciotto.

SEN. CIOTTO:

Thank you, Madam President. Madam President, the Clerk has Amendment LCO3898. Would he please read it.

THE CLERK:

LCO3898 which will be designate Senate Amendment Schedule "C". It is offered by Senator Ciotto of the 9th District.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Yes, thank you, Madam President. Madam President, what this amendment does, it provides a fine for $150 to $200 as an infraction for anybody striking an officer or fire policeman during, performing their duties.

A subsequent offense would be penalizing to the tune of $250 or 30 days in jail. Thank you, Madam President.

THE CHAIR:

The question is on adoption of Senate Amendment "C". Will you remark? Will you remark? If not, all those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Senator Ciotto. No? Senator, okay.

SEN. CIOTTO:

Madam President, without objection, we thank everybody for their participation in this tremendous bill and we move without objection to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

Senator Looney.

SEN. LOONEY:

Yes, thank you, Madam President. Madam President, if we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk, would you announce a roll call vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate roll has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, those items placed on the Consent Calendar begin on Calendar Page 9, Calendar 381, H.B. 5558.

Calendar Page 11, Calendar 439, H.B. 5499.

Calendar 464, Substitute for H.B. 5503.

Calendar Page 20, Calendar 187, Substitute for S.B. 411.

Calendar Page 21, Calendar 201, Substitute for S.B. 206.

Calendar 203, Substitute for S.B. 350.

Calendar Page 22, Calendar 243, Substitute for S.B. 543.

Calendar Page 25, Calendar 288, Substitute for S.B. 129.

Calendar Page 26, Calendar 327, S.B. 514.

Calendar 329, Substitute for S.B. 4.

Calendar Page 27, Calendar 339, Substitute for S.B. 62.

Calendar 347, S.B. 495.

And Calendar 358, Substitute for S.B. 101.

Madam President, that completes those items previously placed on Consent Calendar No. 1.

THE CHAIR:

Mr. Clerk, would you once again announce that we are in the process of a roll call vote on the Consent Calendar.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No.

Total number voting 34; necessary for adoption, 18. Those voting "yea", 34; those voting "nay", 0. Those absent and not voting, 2.

THE CHAIR:

The Consent Calendar is adopted.

At this time the Chair will entertain points of personal privilege or announcements. Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. I rise to announce a Finance meeting tomorrow morning at 10:30 in Room 2E and the purpose is to adopt revenue estimates.

THE CHAIR:

Thank you, Senator. The Journal will note. Are there other announcements or points of personal privilege? Senator Looney.

SEN. LOONEY:

Yes, thank you, Madam President. I'd like to yield to Senator Finch.

THE CHAIR:

Senator Finch, do you accept the yield?

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Agenda No. 4, Substitute S.B. 101. If that item may also be moved to the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. If we might move, Mr. President, back to the Calendar, Calendar Page 11, Calendar 335, S.B. 565 from the Committee on Public Health, if that item might be marked Go, previously marked passed temporarily.

THE CHAIR:

Mr. Clerk.

SEN. LOONEY:

And if that item might be called.

THE CLERK:

Calendar Page 11, Calendar 335, File 456, Substitute for S.B. 565 An Act Concerning A Nursing Facility User Fee. Favorable Report of the Committees on Public Health, Human Services, Appropriations and Finance, Revenue and Bonding.

THE CHAIR:

Senator Murphy. Senator Murphy.

SEN. MURPHY:

Thank you, Mr. President. I move adoption of the Joint Committee's Favorable Report and passage of the

THE CHAIR:

Mr. Clerk do those numbers.

THE CLERK:

Madam President, there is one clarification and that is in reference to Calendar Page 5, Calendar 523, I did not have that on Consent. Was that placed on Consent previously?

SEN. LOONEY:

Yes, Madam President, would move Calendar Page 5, Calendar 523 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. LOONEY:

Thank you, Madam President. The Clerk may please call the Consent Calendar.

THE CHAIR:

Mr. Clerk, would you announce a roll call vote on the Consent Calendar before I open the machine.

THE CLERK:

The Senate is voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

The Senate is voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

Those items previously placed on Consent Calendar No. 4 include, beginning on Senate Agenda No. 4, Substitute for S.B. 101.

Senate Agenda No. 5, the Committee on Conference in Reference to S.B. 63.

Calendar Page 5, Calendar 523, Substitute for H.B. 5625.

Calendar 527, H.B. 5488.

Calendar Page 6, Calendar 537, H.B. 5476 and Calendar Page 12, Calendar 520, Substitute for H.B. 5410.

Madam President, that completes those items previously placed on the Fourth Consent Calendar.

THE CHAIR:

Thank you, Sir. Would you once again announce a roll call vote. The machine is opened.

THE CLERK:

The Senate is voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

The Senate is voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Please check the machine

to make sure your vote is properly recorded. If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 4.

Total number voting 35; necessary for adoption, 18. Those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted.

SEN. LOONEY:

Madam President.

THE CHAIR:

Senator Looney.

SEN. LOONEY:

Yes, thank you, Madam President. I move for immediate transmittal to the House of Representatives of any items on the most recently voted Consent Calendar requiring additional House action.

THE CHAIR:

Without objection, so ordered.

SEN. LOONEY:

Madam President. Madam President, the Clerk has in his possession Senate Agenda No. 6.

THE CLERK:

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GEN. ASSEMBLY
HOUSE

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REP. LAWLOR: (110th)

Thank you, Madam Speaker. The Clerk has LCO 5386. I'd ask that the Clerk call and I be allowed to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 5386. If the Clerk would please call? The gentleman has asked leave to summarize.

THE CLERK:

LCO No. 5386, House "A", offered by Representative Lawlor.

SPEAKER LYONS:

Representative Lawlor, you have the floor, sir.

REP. LAWLOR: (110th)

Thank you, Madam Speaker. This bill contains some -- an assortment of relatively technical changes, some to the medical malpractice bill which was enacted the other night. There are some technical flaws in the bill, truly technical flaws. And it corrects those flaws.

It also addresses some technical changes in the statutes to accommodate the transfer of the Board of Parole into the Department of Correction. Nothing substantive. Simply technical.

It also rewrites one very narrow portion of the

bill that was passed the other night involving child porn. We discussed this particular issue previously. The way the bill was written, it prohibited inmates from using computers. It was clearly the intent of the bill to prohibit inmates from computers with access to the Internet. And this bill makes that change.

I urge adoption, Madam Speaker.

SPEAKER LYONS:

The question before the Chamber is on adoption.

Will you remark? Will you remark?

Representative O'Neill.

REP. O'NEILL: (69th)

Yes. Thank you, Madam Speaker. I, too, would urge adoption.

SPEAKER LYONS:

Thank you very much, sir.

Representative Hamzy.

REP. HAMZY: (78th)

Thank you, Madam Speaker. A question, through you, to Representative Lawlor?

SPEAKER LYONS:

Please frame your question.

REP. HAMZY: (78th)

Through you, Madam Speaker. In Section 528 and in other parts of this bill, there is a change in the

definition of health care provider. And I just wanted to know what the reason was for that change.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (110th)

Thank you, Madam Speaker. I believe there's some confusion in the bill that -- the medical malpractice bill referred to professional services generally speaking. This bill is intended to make clear that the intent was to apply only to professional services which were medical in nature. Through you, Madam Speaker. By listing those services.

Through you, Madam.

SPEAKER LYONS:

Representative Hamzy.

REP. HAMZY: (78th)

Thank you, Madam Speaker. And I thank the gentleman for his answer.

SPEAKER LYONS:

Thank you, sir.

Representative Chris Caruso.

REP. CARUSO: (126th)

Thank you, Madam Speaker. Through you, to the Chair of the Judiciary Committee?

SPEAKER LYONS:

Yes, sir. Frame your question.

REP. CARUSO: (126th)

Representative Lawlor, I didn't get a chance to review the entire amendment. And if you could just answer for me, is there anywhere in this amendment that permits the Department of Correction to enter in a contract to transport prisoners or inmates out of the state of Connecticut to other states?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (110th)

Thank you, Madam Speaker. No, there is not.

SPEAKER LYONS:

Representative Caruso.

REP. CARUSO: (126th)

Thank you.

SPEAKER LYONS:

Thank you, sir.

Will you remark further on the amendment that is before us? 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 legislation that is before us? 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 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:

SB 604, as amended by House "A",

Total number voting, 150;

Necessary for passage, 76;

Those voting Yea, 150;

Those voting Nay, 0;

Absent, not voting, 1.

SPEAKER LYONS:

The bill as amended passes.

Representative Godfrey.

REP. GODFREY: (110th)

And I would move that that last item voted upon be immediately transmitted to the Senate, Madam Speaker.

SPEAKER LYONS:

Hearing no objection, that motion carries.

Would the Clerk please call Calendar 534?

THE CLERK:

On Page 14, Calendar 534, SUBST. SB 445, AN ACT CONCERNING JURISDICTION OF MUNICIPAL INLAND WETLANDS COMMISSIONS. Favorable report of the Committee on Planning and Development.

SPEAKER LYONS:

Representative Pat Widlitz.

REP. WARD: (86th)

Madam Speaker?

SPEAKER LYONS:

Representative Bob Ward.

REP. WARD: (86th)

Madam Speaker, I rise for the purpose of exempting myself for appearance of a possible conflict on this matter.

SPEAKER LYONS:

Yes, sir. That will be correctly noted.

REP. WARD: (86th)

Thank you.

SPEAKER LYONS:

Representative Pat Widlitz.

REP. WIDLITZ: (98th)

Thank you, Madam Speaker. I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage.

Will you remark?

REP. WIDLITZ: (98th)

Thank you, Madam Speaker. In Avalon Bay versus the Wilton Inland Wetlands Commission decision, the developer who was denied an inland wetlands permit by the Town of Wilton claimed that the Inland Wetlands and Watercourses Act protects wetlands from physical damage or intrusion but not wildlife that might rely on the wetlands for a portion of its life cycle. The Supreme Court agreed. Noting that statutory definitions are narrowly drawn and limited to physical characteristics, the court ruled that the Act protects the physical characteristics of wetlands and watercourses and not the wildlife, including wetland-obligate species or bio-

diversity.

Madam Speaker, the Clerk has LCO 4578. Would he please call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 4578, designated Senate "A". Would the Clerk please call? The lady has asked leave to summarize.

THE CLERK:

LCO No. 4578, Senate "A", offered by Senators Williams and Fasano.

SPEAKER LYONS:

Representative Pat Widlitz.

REP. WIDLITZ: (98th)

Thank you, Madam Speaker. This amendment is a compromise that corrects any confusion that was created by the Wilton decision and is a statement of what the legislature intends the inland wetlands law to cover. The new sub-section C establishes that impacts to aquatic, plant or animal life and habitats are legitimately considered by local Wetland Commissions when such impacts occur in the wetland or watercourse.

The new Section D states an activity's impact on aquatic, animal or plant life in upland areas cannot be regulated by local Wetland Commissions unless such upland activity has a likely impact on the physical

characteristics of the wetland or watercourse.

I move adoption, Madam Speaker.

SPEAKER LYONS:

The question before the Chamber is on adoption.

Will you remark? Will you remark on the amendment that is before us? 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 legislation before us?

Representative Duff.

REP. DUFF: (137th)

Thank you, Madam Speaker. Madam Speaker, a question to the proponent of the bill?

SPEAKER LYONS:

Please frame your question.

REP. DUFF: (137th)

Thank you, Madam Speaker. To establish legislative intent, would this bill apply to pending applications or only these applications which are filed after the effective date of this bill?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Pat Widlitz.

REP. WIDLITZ: (98th)

Thank you, Madam Speaker. Through you, Madam Speaker. The application will -- the bill is effective upon passage. The date of -- the statute already states that the date of receipt of a petition, application or request for appeal shall be the day of the next regularly scheduled meeting of the agency.

If an application has already been officially received, then it would not fall under this bill. This would be going forward. Applications received from this point forward.

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Duff.

REP. DUFF: (137th)

Thank you, Madam Speaker.

SPEAKER LYONS:

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

SPEAKER LYONS:

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

The Clerk will please announce the tally.

THE CLERK:

SB 445, as amended by Senate "A", in concurrence with the Senate,

Total number voting, 148;

Necessary for passage, 75;

Those voting Yea, 147;

Those voting Nay, 1;

Absent, not voting, 3.

SPEAKER LYONS:

The bill as amended passes.

Representative Jim Amann.

REP. AMANN: (118th)

Thank you, Madam Speaker. I move suspension of our rules for the immediate consideration of Calendar 566, SB 315.

SPEAKER LYONS:

Would the Clerk please call Calendar 566?

THE CLERK:

Calendar 566, SUBST. SB 315, AN ACT ALLOWING ACCESS TO THE SOLDIERS, SAILORS AND MARINES FUND BY MEMBERS OF THE CONNECTICUT NATIONAL GUARD. Favorable report of the Committee on Appropriations.

SPEAKER LYONS:

Representative Linda Orange, you have the floor, Madam.

REP. ORANGE: (48TH)

Thank you, Madam Speaker. I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage.

Will you remark?

REP. ORANGE: (48th)

Thank you, Madam Speaker. The bill expands the pool of those eligible to receive assistance from the Soldiers, Sailors and Marines Fund to include the National Guard members and other veterans while serving our nation. Passage will recognize the increasing role of reservists and National Guard members in defending our nation.

I urge passage, Madam Speaker.

SPEAKER LYONS:

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

Yes. Ted Graziani, Representative, sir.

REP. GRAZIANI: (57th)

Thank you, Madam Speaker. Just a quick note. We should be proud that this legislative body has taken the first step in recognizing our men and women serving in the Connecticut National Guard both home and abroad.

And, furthermore, I'll leave you with one further thought. Next time you look at the pictures in the newspapers or the TV and see the flag-draped coffins, think how much more we can do to help our veterans.

It's a great bill. It's a first step. And we owe a lot of gratitude to our men and women.

Thank you, Madam Speaker.

SPEAKER LYONS:

Will you remark further on the legislation before us?

Representative Sawyer.

REP. SAWYER: (55th)

Thank you, Madam Speaker. I concur. I believe this bill -- all the people that worked to make this bill happen is in honor of our veterans.

Thank you, Madam Speaker.

SPEAKER LYONS:

Will you remark further on the legislation before us? 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 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:

SB 315, in concurrence with the Senate,

Total number voting, 150;

Necessary for passage, 76;

Those voting Yea, 150;

Those voting Nay, 0;

Absent, not voting, 1.

SPEAKER LYONS:

The legislation passes.

Representative Jim Amann.

REP. AMANN: (118th)

Thank you, Madam Speaker. I move for suspension of the rules for the immediate consideration of Calendar 580, SB 29.

SPEAKER LYONS:

Hearing no objection, sir, the rules are suspended.

Would the Clerk please call Calendar 580?

THE CLERK:

Calendar 580, SUBST. SB 29, AN ACT CONCERNING GRANTS TO DISTRESSED MUNICIPALITIES AND TOURISM. Favorable report of the Committee on Appropriations.

SPEAKER LYONS:

Representative Andrea Stillman, you have the floor, Madam.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. I move the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER LYONS:

The question before the Chamber is on acceptance of the legislation.

Would you care to remark, Madam?

REP. STILLMAN: (38th)

Yes. Thank you, Madam Speaker. The bill that is

in front of you actually implements the revenues in the budget that we recently adopted. And in order to make it a better match, Madam Speaker, I would like to ask the Clerk to please call LCO No. 5402 and that I be allowed to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 5402. Would the Clerk please call? The lady has asked leave to summarize.

THE CLERK:

LCO No. 5402, Senate "A", offered by Senator Sullivan, et al.

SPEAKER LYONS:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. The amendment before you strikes Section 1 in its entirety and renumbers the remaining sections in the underlying bill. As I said before, this now mirrors the budget that was adopted.

And I move adoption of this Senate Amendment.

SPEAKER LYONS:

The question is on adoption.

Would you care to remark further on the amendment? Would you care to remark further on the amendment?

Representative Belden.

REP. BELDEN: (113th)

Thank you, Madam Speaker. Madam Speaker, can I assume that in order to move this bill forward we're going to pass the Senate Amendment so, in fact, the rest of the bill will go forward and then we'll see Section 1 of this bill in its original form in the OPM implementers? Is that a reasonable assumption?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stillman.

REP. STILLMAN: (38th)

Through you, Madam Speaker. It is my understanding that we needed to -- that when this amendment is adopted, it will remove that section so that it can be -- through you, Madam Speaker. Yes, Representative Belden is correct. It is in the OPM implementer.

SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113th)

Thank you, Madam Speaker. I just wanted to clarify for the edification of the Chamber that we are in the last hour or two. We are getting very, very complex in what we're about. And not that -- I don't want to hold the bill up. So I encourage those to vote for Senate "A" so that the bill will move on because the rest of

the bill is important to many people. And then I guess we'll correct the problem of Senate "A" in the OPM implementers.

Thank you, Madam Speaker.

SPEAKER LYONS:

Will you remark further on the amendment before us? Will you remark further? 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 legislation as amended? 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.

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

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

JOINT
STANDING
COMMITTEE
HEARINGS

TRANS-
PORTATION
PART 1
1-220

2004
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parking lot down there in Bridgeport and people are afraid to drive from Fairfield to go to Bridgeport to get on that train and then go to New York. Is that right? Are you aware of that?

JILL KELLY: That they aren't --

SEN. CIOTTO: Right. They go from Fairfield and other parts of Fairfield County to be able to park in that garage in Bridgeport to get the train, pick it up there.

JILL KELLY: Well once they realize that their cars are safe and they're safe getting in and out of those parking lots, yeah.

SEN. CIOTTO: Thank you. I have no further questions.

JILL KELLY: Thank you.

REP. COCCO: Thank you, Jill. Attorney General Blumenthal.

ATTY. GENERAL RICHARD BLUMENTHAL: Good morning, Chairman Cocco, Chairman Ciotto. I apologize for being late. I understand that my name may have been taken in vain while I was out of the room. But I just -- in the interest of full disclosure, Senator Aniskovich, I want to say that I was with a very good friend of Senator Ciotto who asked me not to use his name because he didn't want to be identified as a friend of Senator Ciotto. That is totally hypocriful, but I do have a good excuse and I just want to thank the members of the committee for giving me this opportunity to be with you this morning and to accommodate my schedule.

What brings us here today, what brings me here is a tragedy, actually not one tragedy, but multiple tragedies that occur every day on our roads. You will hear from Mr. and Mrs. Gacek after me at some point. Their story, I think, is worth a thousand of my words because their story shows why S.B. 101, introduced by Senator DeFronzo, is so important and necessary today for this state.

Currently, people can drive drunk even after their

license has been suspended previously and cause car crashes that rob families of loved ones, cripple, maim and kill Connecticut's citizens.

The person whose tragedy brings us here this morning is a young person, Steven Gacek, who was killed as a result of drunk driver and I think that again you will hear from the family as to the particular circumstances. I don't want to repeat them for you here. But there is a way to stop these kinds of tragedies or at least reduce their number and that is to implement immediate suspension of any driver's license if that person is involved in a fatal car crash while driving drunk or who is involved in a drunk driving incident, stopped for drunk driving, if that person has had his or her license suspended at any point during the previous ten years.

I recognize, as do all of you, the need for a fair hearing before anyone's license is suspended. That person would get a hearing within thirty days. This measure seeks to balance that right, the due process right to a hearing with the need to take people off the roads from behind wheels of cars in Connecticut when they drive drunk, when they've been suspended previously or when they're involved in a car crash that causes a fatality.

And I'm tempted to go through the rhetoric. You've all heard it. I'm not going to belabor it. We are all victims, all potential victims, certainly our children are, of this kind of problem and all of you know, you've seen the complaints, the statistics, that show that many of these crashes and many of these incidents are caused by people who do it repeatedly. There is a level of recidivism and repeated offenses here that is simply intolerable and S.B. 101, very simply, will help to address that problem.

Again, I thank you for considering the bill and thank Senator DeFronzo for championing it and for this family's courage in coming forward today.

REP. COCCO: Thank you, Attorney General Blumenthal. Senator Aniskovich.

SEN. ANISKOVICH: Thank you. Good morning.

ATTY. GENERAL RICHARD BLUMENTHAL: Good morning.

SEN. ANISKOVICH: I want to solicit your opinion about two aspects of the actual language. The bill itself is limited to those accidents that result in a fatality and my question for you is, do you have an opinion about whether or not we should go further than that language and include fatality or serious injury? Because I'm just sitting here thinking and I know that there's not a bright line, but what would your opinion be about broadening that language to include fatality or serious injury?

ATTY. GENERAL RICHARD BLUMENTHAL: Well, my opinion would be two-fold. First, if serious injury could be well enough defined, certainly I would favor it as long as, my second point, it didn't kill the bill.

SEN. ANISKOVICH: Absolutely. I mean, I support the bill and I think many of us do and I'm just trying to capture as many of those dangerous drivers as we possibly can. I'm not suggesting that it would be something to do to slow down the bill and if all we could do was fatality because definitionally we couldn't get consensus, then that would be better than nothing.

The second question I have is that the language on line 88 says that the Commissioner "may suspend the person's license immediately". It doesn't say "shall" and do you have an opinion about whether that "may" ought to be "shall" or whether you think the discretion is the better way to structure the language?

ATTY. GENERAL RICHARD BLUMENTHAL: Well, I think probably that language tracks the other provisions of the bill that provide for suspension. In other words, the immediate suspension --

SEN. ANISKOVICH: Does. You're right, it does do that. It tracks the earlier provision that says he may suspend at a time not later than thirty days.

ATTY. GENERAL RICHARD BLUMENTHAL: Right.

SEN. ANISKOVICH: So you would stick with that one?

ATTY. GENERAL RICHARD BLUMENTHAL: I would certainly review that language and consider whether it should be "shall" in this instance.

SEN. ANISKOVICH: Okay, thank you. That's all I have.

REP. COCCO: Thank you. Is there anyone else who has a question? Representative Doyle.

REP. DOYLE: Thank you, Madam Chairperson. Good morning, Attorney General.

ATTY. GENERAL RICHARD BLUMENTHAL: Good morning, Representative Doyle.

REP. DOYLE: Several years ago I advocated and we were successful in passing the enhanced penalties for people with readings about .15 and I did support that.

And my question is, I'm not sure if this is your language or what, and in answer to Senator Aniskovich's question when he talked about increasing it for serious injury. My question would be, why wouldn't this just be for anybody with enhanced or is it because of the difficulty of getting it passed is why it's not here? I would just like you to comment on that, in terms of just why do you need an injury to get this enhanced penalty? Why wouldn't it be for everyone?

ATTY. GENERAL RICHARD BLUMENTHAL: Anyone involved in a crash?

REP. DOYLE: Yes, for repeat offenders, yes. Because I look at it -- to be honest, a fatality or an accident is a situation of luck, unfortunately. If a person is drunk, their either going to hit somebody or they're going to go into a tree and I don't know, if they're a repeat offender, what's the difference? I mean, it's bad luck, of course, for the family. I'm not minimizing it, but a lot of these people go into a tree, hurt themselves, but

the problem is still there. So I'm not sure why this -- and I'm not out to kill the bill. But is that the concern of you that it's why we don't advocate a broader approach?

ATTY. GENERAL RICHARD BLUMENTHAL: Well, let me just speak personally because many of these decisions, after all, are personal decisions. There's no magic bright line that comes from some reading of the Constitution.

If it were my vote and I no longer have a vote in this body, I would make it any crash. Right now, the law, as proposed, would apply to anyone whose driver's license has been suspended in the previous ten years or involved in a crash causing a fatality, even if that person had not had a license suspended during the previous ten years. So it's written in the alternative.

And so a second time suspension would or a person who was involved, was arrested for drunk driving a second time in the same ten years, would be subject to this immediate summary suspension. But there's no reason and, in fact, I would favor, personally again as long as it didn't kill the bill, that anyone involved in any crash involving another vehicle. That, easily, could be defined. That's pretty easy to put into the statute. But also having been on the floor of both the House and the Senate, I can well imagine the arguments that will be made, maybe well intentioned arguments. I think they would be wrong because I think these laws essentially work. The stricter they are, the stronger the deterrent effect, the more they discourage this type of really insidious conduct that threatens everyone. Unfortunately, the people who are often disabled and injured and killed are the innocent ones. And so I would make it even stricter.

REP. DOYLE: Because I didn't disagree with many in terms of the .08 figure. I didn't find the evidence compelling in that argument, but when I advocated with others for the .15 enhanced penalties, that was for any person arrested as enhanced penalties regardless of an accident. So I just wonder why for

the committee to consider why isn't that used here. At that point there's no discussion about you needed -- if you're .16, -- if you're .16, you're .16 and you have enhanced penalties regardless of an accident, injury or whatever. So I'm just wondering if this approach, why this is about -- maybe it's politically it's got trouble, but I think it's different -- .08, I didn't agree with the evidence there and I was in the minority in that pass and I think you supported it and everyone supported it. But in this case, the committee will talk about it later. I just don't understand the distinction.

Thank you, Madam Chairperson.

REP. COCCO: Thank you, sir. Senator DeFronzo.

SEN. DEFRONZO: Thank you, Madam Chairlady. Thank you for your presence here, Mr. Attorney General and thank you for your comments.

In researching this bill, and in discussions with DMV and I do want to compliment the DMV staff for being forthright in their discussions, some of the language you see here is the product of our give and take with the Department of Motor Vehicles and what they thought might be administratively more palatable, but one of the big issues, and you addressed it in your remarks, had to do with balancing the scales between the due process rights of the accused and the concern about public safety. And there has been a good body of -- I'm not a lawyer, but reading these research reports we've gotten from OLR and from other sources, it seems to be a good body of case law on this balancing act.

And it seems that the trend is moving in the direction of where this bill would take us to weighing the scales more heavily on the side of a concern for public safety, particularly in the cases of those who are multiple offenders.

And I just wanted to ask you, you do make reference to it here, but do you feel that this is a defensible position for the State of Connecticut to take in the event this bill passed and subsequently

was challenged in court?

ATTY. GENERAL RICHARD BLUMENTHAL: Well, that's an excellent question, Senator. And just very simply, I would be very comfortable defending this bill. I would be proud to defend this bill and I believe it would be successfully defended if it were ever challenged on due process grounds, equal protection grounds, any of the grounds that could be imagined to challenge it in court because I think it does strike a balance, it affords the right to a hearing within a specific short period of time, thirty days. It simply takes off the road the most dangerous drunk drivers who have either caused a serious crash or have been suspended previously, had their license suspended previously. So there is a rational reason for this kind of balance and for summary suspension and then the right to a due process hearing and an opportunity to be heard afterward.

REP. COCCO: Senator Aniskovich.

SEN. ANISKOVICH: Just a follow-up on Senator DeFronzo's comment. I am correct and this will help us in terms of the screening we do. I am correct, am I not, when I understand that the due process argument, as related to the immediacy with which a hearing is afforded a person whose been deprived their right. It's not -- the due process argument has nothing at all to do with whether or not we deprive them of their operator's privilege as a result of the crash, but how quickly we give them a hearing once we have deprived them of that substantive right. Is that correct?

ATTY. GENERAL RICHARD BLUMENTHAL: Well, without being too longwinded or detailed, the due process challenge could relate to the grounds for summary suspension, for example, and actually I thought that Senator DeFronzo might be going in this direction if the standard for summary suspension is so vague that it could be applied arbitrarily. To give you a hypothetical. If there were skid marks at the accident. Well, if there are skid marks, will summary suspend, but if not, or vice versa, but here the reason is a rational one, either

causing a fatality or causing a crash, any crash, both are rationally related. They're specific, not vague. So the due process standard could be applied. Also the grounds for summary suspension, but ordinarily, you're absolutely right. It would relate to the quickness and the adequacy of the hearing and certainly the adequacy of the hearing has been amply upheld by our courts. The shortness, thirty days, is a discrete and knowable and immediate period of time.

SEN. ANISKOVICH: So you would be equally comfortable -- and this is a question. You would be equally comfortable on constitutional grounds if we were to go to something that was not just a fatality, but any crash, assuming we could figure out what the right language is, any crash. You would still think that would survive a substantive due process claim, in your opinion? I mean, you would be comfortable defending --

ATTY. GENERAL RICHARD BLUMENTHAL: Correct.

SEN. ANISKOVICH: Okay. Great. Thank you.

REP. COCCO: Senator McKinney, followed by Representative Harkins.

SEN. MCKINNEY: Thank you, Madam Chair. Thank you, Mr. Attorney General.

The summary suspension would not begin until the person received notice of the summary suspension?

ATTY. GENERAL RICHARD BLUMENTHAL: Correct.

SEN. MCKINNEY: So one potential hitch that we need to make sure is that the bureaucracy of getting this person's name into the system and getting the notice out can occur fast, right?

ATTY. GENERAL RICHARD BLUMENTHAL: Correct.

SEN. MCKINNEY: Okay. You had mentioned deterrence. One thing that I'm -- in looking at this bill for the first time and supporting the bill, I'm wondering what else is there we can do and one thought came

to mind would be that in addition to this, we would also increase the fine or penalty, perhaps jail time, if someone whose license is suspended pursuant to this is caught driving during that suspension and that if we were able to change that law, that could be in the notification of suspension too, saying if you're caught driving during this period, here's the penalties.

Would you be supportive of that, as well?

ATTY. GENERAL RICHARD BLUMENTHAL: I would be.

SEN. MCKINNEY: Depending on not killing the bill and what the penalties were?

ATTY. GENERAL RICHARD BLUMENTHAL: What I'd like to see is this bill be passed and I would certainly favor the kind of proposal that you're making either as part of this bill or as a separate provision, but anything that deters drunk drivers from being on the roads, I think everyone in this body, from what I'm hearing, would also favor and certainly most of the advocates of this bill.

REP. COCCO: Thank you. John Harkins. Representative Harkins.

REP. HARKINS: Thank you, Madam Chair. Good morning, sir.

ATTY. GENERAL RICHARD BLUMENTHAL: Good morning.

REP. HARKINS: I was just wondering. Could you share with us the amount of individuals that have been re-arrested during that suspension period, say within the last year?

ATTY. GENERAL RICHARD BLUMENTHAL: While they -- I could get you that figure, I don't have it.

REP. HARKINS: Okay. Because I know we sometimes read it in the paper, but I was just wondering if we could get a hard number, the frequency of the event, but I'd love to have that information if you could get it for us.

ATTY. GENERAL RICHARD BLUMENTHAL: I will get it for you.

REP. HARKINS: Thank you, sir.

REP. COCCO: Is there anyone else who would like to ask a question? If not, thank you very much, Attorney General Blumenthal.

ATTY. GENERAL RICHARD BLUMENTHAL: Thank you very much.

SEN. CIOTTO: Thank you.

REP. COCCO: (INAUDIBLE-MICROPHONE NOT ON)

(SB 101)

JACOB GACEK: Good morning, Senator Ciotto, Representative Cocco, members of the committee. My name is Jacob Gacek. My son, Brian Gacek, my wife, Kathleen and my sister-in-law, Pat Gigliotti.

We are here today because of an article that appeared this past summer in our local newspaper. In that article, my wife Kathleen expressed her concerns about changes needed in the Connecticut drunk driving laws. Senator DeFronzo contacted us and offered to work with us to try and make some meaningful changes.

Try to imagine having dinner with your son or daughter, talking, laughing and cleaning up together. As they get ready to leave, you give them a hug, tell them you love them and remind them to please be careful. Of course, they reassure you that "don't worry, I'll be back later." As you watch them drive away, waving and smiling, you feel that little knot and say a prayer for their safety.

A few hours pass and there's a knock at your door. The police officer says there's been an accident and asks you to come to the hospital to --

KATHLEEN GACEK: To identify the child of your body. You can't believe what you're hearing. This must be a mistake, we just saw him a little while ago. He was so full of life and he said he'd be back.

On May 30th, our nightmare began. My husband, my

son Brian, and myself experienced this horror. Our twenty-year old Steven had been killed by a drunk driver who was also impaired by drugs.

He didn't give Steven the right of way in an intersection in the center of Newington. This man had previously been arrested for DUI and involved in an accident on May 5th, just three weeks before killing our son, Steven.

He was scheduled to have his license suspended June 2nd. He had also been arrested on a DUI charge in 1999.

To this day, we ask ourselves what if Steven had left a few minutes earlier or later? What if the lights had changed at different intervals? What if he had stopped somewhere along the way? The only what if that really matters is the what if the proposed legislation had been in effect on May 30th? Perhaps our son would still be alive today.

In 2002, 12,300 DIU offenders were processed by the DMV. Of these, 1,700 were second time offenders and 283 were three or more time offenders. People who drink and drive make a choice to do so. Steven had no such choice in this matter. His death was the result of someone else's terrible choice.

How many chances do we continue to give repeat offenders? How many victims do we allow them to leave in their wake?

Steven will never have the chance to finish college, to get married, to be blessed with children or fulfill his dreams. We hope today's proposal is just the first step in tightening up Connecticut's drunk driving laws.

Please support this legislation and show the citizens of the State of Connecticut that you recognize the threat repeat offenders pose and that you are doing something to stop it.

Thank you.

REP. COCCO: Thank you. Are there questions? Senator

DeFronzo.

SEN. DEFRONZO: Mr. and Mrs. Gacek, I want to thank you for having the courage to come today and to bring this issue to our attention.

When I contacted you during the summer months, we had a long discussion about this and we've moved forward and I don't want to belabor this because I think the Attorney General covered most of the technical aspects of this, but I know you have done, despite the grief that you've experienced over the months since your son died, you have done an enormous amount of research in this area and you have made this the cause of your existence, but we did talk.

I think Senator McKinney raised the issue earlier of additional penalties for those who drive while their licenses are under suspension and we actually discussed this with DMV in the process of drafting this bill and we may look at that provision subsequent to this hearing. But the current statute in Connecticut does not assess a financial penalty. If an individual is apprehended driving under a suspended license, the penalty is an extension of the suspension, but there is no financial penalty.

And I know we've discussed this and I would just like you to comment on that additional aspect of the bill, if we were to look at adding that provision. Do you think that would have an additional deterrent on multiple offenders?

JACOB GACEK: Yes, we think there should be some financial penalty. I mean, even the first offense seems to be taken too lightly by the courts, by people in general. I think there needs to be a progressive penalty for a second or third offense, perhaps some jail time at the second or third offense, something, just an eye-opener to people that it's a serious issue.

I mean, as my wife said, it's like putting a person with a loaded gun in the room. A man in a car drunk, you're putting us all at risk.

SEN. DEFRONZO: Thank you. I just want to inform the committee that the Gaceks have taken this tragedy and really tried to do something constructive with it, not only through this legislation, but they have done things to memorialize their son in the community, things that benefit the entire community like blood drives at the hospitals and have been very successful. A scholarship in his name. And they have taken a real tragedy and have done something very positive with it and I hope we're able to respond to their need and do something positive with this legislation.

I want to thank the Chairmen, Senator Ciotto and Representative Cocco and the ranking member, Senator Aniskovich for your assistance in allowing this to move forward and also Representative Scribner for your assistance.

And I also want to thank the DMV staff for being very helpful in this process and we look forward to working with them as we move this bill through the process.

And thank you again for being here with us this morning.

JACOB GACEK: Thank you.

KATHLEEN GACEK: Thank you very much.

SEN. CIOTTO: Senator Aniskovich. Just a minute, please, Mr. Gacek.

SEN. ANISKOVICH: I too just want to, first of all, thank Senator DeFronzo and the Chairs and Attorney General Blumenthal and the Department for working ---

(Inaudible-tape switched from side 1A to side 1B - some testimony/dialogue not recorded)

SEN. ANISKOVICH: --- how difficult it was for you to go through what you went through. I can only imagine how difficult it is for you to sit here before us and share your pain with us.

But I want to tell you that this committee is a very strongly bipartisan committee and we will all work together to make sure that your efforts will be rewarded by the end of this session.

Thanks.

SEN. CIOTTO: Any further questions? Let me just add my remarks to those of Senator Aniskovich and I know my co-chair feels the same way. There are no further questions. We know how difficult it has been for you to come up here this morning. We appreciate it and you have our sympathies, but better than our sympathies, the proof will be if we come up with a bill that's going to answer the concerns that you presented through Senator DeFronzo before us. And I'm sure working with this committee, as Senator Aniskovich said, this is not a partisan committee. This is a bipartisan committee and with the help of the Motor Vehicle Department and the Attorney General's Office, we hope to get the right language to cover such a (inaudible)

So, God bless all of you and thank you very much for being here today.

JACOB GACEK: Thank you.

KATHLEEN GACEK: Thank you.

REP. COCCO: That is the last name that I have on my public hearing. Is there anyone else who wishes to testify before this committee? Seeing no one, we would move for adjournment.

(Whereupon, the public hearing was adjourned.)

SB 101

FEBRUARY 18, 2004
PUBLIC HEARING
PROPOSED DRUNK DRIVING LEGLISLATION

Dear Committee Members:

Attached you will find the following:

1. DUI/DWI Laws as of February 2004 for the 50 States as summarized in chart form by the Insurance Institute for Highway Safety (pages 1-3).

2. 2002 composite state grades, individual state grades, nations report card and a sampling of four individual states report cards (California, Connecticut, Georgia and Florida) as prepared in an annual "Rating The States" Report Card by Mothers Against Drunk Driving (MADD)* (pages 4-14).

Thank you for your attention and consideration

Jacob, Kathleen and Brian Gacek

* To view the complete MADD report, please visit www.madd.com

DUI/DWI LAWS
as of February 2004

All 50 states and the District of Columbia have per se laws defining it as a crime to drive with a blood alcohol concentration (BAC) at or above a proscribed level, usually 0.08 percent.

License suspension or revocation traditionally follows conviction for alcohol-impaired driving. Under a procedure called administrative license suspension, licenses are taken before conviction when a driver fails or refuses to take a chemical test. Because administrative license suspension laws are independent of criminal procedures and are invoked right after arrest, they've been found to be more effective than traditional post-conviction sanctions. Forty-two states and the District of Columbia have administrative license suspension laws.

Forty-three states permit some offenders to drive only if their vehicles have been equipped with ignition interlocks. These devices analyze a driver's breath and disable the ignition if the driver has been drinking.

In 29 states, multiple offenders may forfeit vehicles that are driven while impaired by alcohol.

State	BAC Defined as illegal per se	Administrative license suspension 1st offense?[1]	Restore driving privileges during suspension?[1,4]	Do penalties include interlock/forfeiture?[2]
Alabama	0.08	90 days	no	no/no
Alaska	0.08	90 days	after 30 days	yes/yes
Arizona	0.08	90 days	after 30 days	yes/yes
Arkansas	0.08	120 days	yes	yes/yes
California	0.08	4 months	after 30 days	yes/yes
Colorado	0.10	3 months	yes	yes/no
Connecticut	0.08	90 days	yes	no/no
Delaware	0.10	3 months	no	yes/no
District of Columbia	0.08	2-90 days	yes	no/no
Florida	0.08	6 months	yes	yes/yes

State	BAC Defined as illegal per se	Administrative license suspension 1st offense?[1]	Restore driving privileges during suspension?[1,4]	Do penalties include interlock/forfeiture?[2]
Georgia	0.08	1 year	yes	yes/yes
Hawaii	0.08	3 months	after 30 days	yes/no
Idaho	0.08	90 days	after 30 days	yes/no
Illinois	0.08	3 months	after 30 days	yes/yes
Indiana	0.08	180 days	after 30 days	yes/no
Iowa	0.08	180 days	after 90 days	yes/no
Kansas	0.08	30 days	no	yes/no
Kentucky	0.08	--	--	yes/yes
Louisiana	0.08	90 days	after 30 days	yes/yes
Maine	0.08	90 days	yes	yes/yes

State	BAC Defined as illegal per se	Administrative license suspension 1st offense?[1]	Restore driving privileges during suspension?[1,4]	Do penalties include interlock/forfeiture?[1]
Maryland	0.08	45 days	yes	yes/no
Massachusetts	0.08	90 days	no	no/no
Michigan	0.08[4]	1 year	yes	yes/yes
Minnesota	0.10	90 days	after 15 days	no/yes
Mississippi	0.08	90 days	no	yes/yes
Missouri	0.08	30 days	no	yes/yes
Montana	0.08	--	--	yes/yes
Nebraska	0.08	90 days	after 30 days	yes/no
Nevada	0.08	90 days	after 45 days	yes/no
New Hampshire	0.08	6 months	no	yes/no

State	BAC Defined as illegal per se	Administrative license suspension 1st offense?[1]	Restore driving privileges during suspension?[1,4]	Do penalties include interlock/forfeiture?[1]
New Jersey	0.08	--	--	yes/no
New Mexico	0.08	90 days	after 30 days	yes/no
New York	0.08	variable[5]	yes	yes/yes
North Carolina	0.08	30 days	after 10 days	yes/yes
North Dakota	0.08	91 days	after 30 days	yes/yes
Ohio	0.08	90 days	after 15 days	yes/yes
Oklahoma	0.08	180 days	yes	yes/yes
Oregon	0.08	90 days	after 30 days	yes/yes
Pennsylvania	0.08	--	--	yes/yes
Rhode Island	0.08	--	--	yes/yes

State	BAC Defined as illegal per se	Administrative license suspension 1st offense?[1]	Restore driving privileges during suspension?[1,4]	Do penalties include interlock/forfeiture?[1]
South Carolina	0.08	--	--	yes/yes
South Dakota	0.08	--	--	no/no
Tennessee	0.08	--	--	yes/yes
Texas	0.08	90 days	yes	yes/yes
Utah	0.08	90 days	no	yes/no
Vermont	0.08	90 days	no	no/yes
Virginia	0.08	7 days	no	yes/no
Washington	0.08	90 days	after 30 days	yes/yes
West Virginia	0.08 (eff. 05/05/04)	6 months	after 30 days	yes/no
Wisconsin	0.08	6 months	yes	yes/yes
Wyoming	0.08	90 days	yes	no/no

[1]Information pertains to drivers in violation of the BAC defined as illegal per se for all drivers, not the special BAC for young drivers.

[2]Drivers usually must demonstrate special hardship to justify restoring privileges during suspension, and then privileges often are restricted.

[3]A multiple offender's vehicle may be seized and disposed.

[4]The 0.08 per se BAC law in Michgan contains a sunset clause which states that the legal BAC will revert to 0.10 on October 1, 2013.

[5]In New York, administrative license suspension lasts until prosecution is complete.

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Last modified: 17-Feb-2004

COMPOSITE STATE GRADES:

B+	California
B	Georgia New York North Carolina Oregon
B-	Arkansas Arizona Florida Kansas Maine Michigan Minnesota Ohio Utah
C+	Illinois Indiana Mississippi Oklahoma Virginia Washington
C	Alabama Colorado Hawaii Iowa Kentucky Louisiana Maryland Missouri Nebraska Nevada New Jersey New Mexico Pennsylvania Vermont Wisconsin

C-	Connecticut Delaware Idaho New Hampshire Tennessee Texas West Virginia Wyoming
D+	District of Columbia
D	North Dakota Rhode Island South Carolina South Dakota
D-	Alaska Massachusetts
F	Montana

C	Nation's Grade

THE STATES' GRADES FOR 2002:

STATE	GOVERNOR	SENATE	HOUSE	II	III	IV	V	VI	LAWS	FATALITY TRENDS	OVERALL GRADE
AL	B+	C-	C	D-	C	C+	C	B	C+	C-	C
AK	B+	C-	C+	C-	D	C	F	C	D	F	D-
AZ	B+	D-	B-	D	A	B-	C	B	B	C+	B-
AR	A-	C	B-	B-	B	A	B	C	C+	B-	B-
CA	B+	C+	B-	A	A	A-	B	A	A-	B-	B+
CO	C-	D-	D+	D+	C-	B-	D	C	C	C	C
CT	B+	B	C+	C-	C+	B	D	B	C	D	C-
DE	B+	D+	B-	B-	C	B+	C	C	C-	D+	C-
DC	B+		B+	C-	B+	C-	F	C+	C+	F	D+
FL	C+	B+	B+	C	B	A-	C	A	B+	C+	B-
GA	A-	B+	B+	C	A-	C+	B	D+	A-	B	B
HI	A-	B+	C+	B	B-	A-	C	C+	C+	D+	C
ID	A-	D+	D+	C+	C-	D+	B	A	D	D+	C-
IL	A-	A	A	C+	A	C	D	B+	B+	C-	C+
IN	B+	C-	C-	D+	B-	C-	B	C	C+	B-	C+
IA	B+	C	C-	C+	B-	C	F	C-	D+	B+	C
KS	A-	B+	B	A-	B+	B+	B-	A-	B-	C+	B-
KY	B	D-	C	C	A-	D+	B	D+	D	B-	C
LA	A-	B	C-	B-	B+	C	C	B+	B-	D	C
ME	C-	B-	C	B	D	C+	B	D-	B-	B+	B-
MD	B+	B	B	C	B	D	D	C+	C+	C	C
MA	D	C+	C-	D-	D+	C-	F	B	F	D-	D-
MI	C-	C-	C-	B	B	D	B	B-	B	B-	B-
MN	C+	D+	C-	A	A-	B+	B	C	C-	B-	B-
MS	B+	B	C+	C	A	B	D	C	C	C	C+
MO	B	C	C	C+	B	B-	F	B	C+	C-	C
MT	D-	D+	C-	C-	D+	F	F	D-	F	F	F
NE	C-		B-	B-	A	B	D	C-	D+	C	C
NV	D+	C-	C-	C	B-	B+	C	C-	C	C+	C
NH	B	C	C-	B	B+	B+	F	C-	C+	F	C-
NJ	C-	C	C	D-	C	D	C	B	C+	C+	C
NM	D	C-	C-	B	A-	B-	B	B	C+	D+	C
NY	B+	B+	C+	C-	A	D-	B	B	B	B+	B
NC	C+	C	D+	C-	A-	C	C	B	A-	B-	B
ND	D+	D-	C-	B-	D	B-	F	D-	C+	F	D
OH	B	B-	B	B-	C+	B+	B	A-	B+	D+	B-
OK	C+	B-	C	C	C-	C	B	B-	C+	B-	C+
OR	A	B-	B-	A-	B	B-	B	B-	A-	B-	B
PA	C	C-	C-	B	B+	D-	C	B	C	C-	C
RI	B	B	C-	D-	B	D+	D	B	D+	F	D
SC	D	C-	C-	D-	C	F	D	A-	D+	F	D
SD	D-	C+	C-	C+	C	F	D	D+	D-	D-	D
TN	C+	C+	D+	D+	B-	D-	D	B	D	C-	C-
TX	B+	B+	B+	C-	D+	B-	D	B	C+	D+	C-
UT	B-	B+	B+	B	C	C+	B	B-	B	B	B-
VT	A-	C-	D+	B+	B+	B+	A-	D+	D+	D+	C
VA	B+	C+	D	B	A-	C	C	B	D+	B-	C+
WA	A	C+	B-	B	B	C+	C+	C-	B+	C-	C+
WV	B-	B-	B-	C-	B	B-	D	C+	D	C-	C-
WI	D	C	C	C+	C	B-	D	B	B	D+	C
WY	A-	C-	B-	B-	B	B+	C-	D	D-	C	C-
NATION	C	B+	C-	C+	C+	B-	C+	D+	C	C-	C

NATION'S REPORT CARD C

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
POLITICAL LEADERSHIP: ADMINISTRATION HOUSE SENATE	 C C- B+	**Strengths:** The nation's political leaders scored a major victory by enacting a .08 illegal per se blood alcohol concentration (BAC) limit as the law of the land. In particular, the House and Senate Appropriations Committees showed great commitment to this lifesaving legislation. The NHTSA Administrator has declared that 2003 will mark a renewed commitment to combating alcohol-impaired driving. As an emergency department physician, Administrator Runge has personally witnessed the devastation that results from drunk driving. Recent congressional action by the House and Senate Transportation Appropriations Committees seeking to increase funding for key traffic safety programs is promising. The President has publicly endorsed passage of the Constitutional Amendment for Victims' Rights. **Challenges:** In 2003, the nation's political leaders will determine federal traffic safety priorities for the next six years. Action must be taken by the Administration and Congress to reverse the deadly trend the nation has witnessed in the past several years. MADD recently released an action plan to reduce alcohol-related deaths and injuries. The nation's political leaders must implement the following major policy recommendations from the plan in order to see significant progress: 1) create a dedicated National Traffic Safety Fund to support priority traffic safety programs; 2) increase DWI/DUI enforcement, especially the use of frequent, highly-publicized sobriety checkpoints; 3) enact tougher, more comprehensive sanctions geared toward higher-risk drivers; and 4) enact primary enforcement seatbelt laws in all states. The nation must also adopt a Constitutional Amendment for Victims' Rights. Congress must oppose attempts by the alcohol industry to lower alcohol excise taxes. Research shows that lower beer prices are associated with higher traffic fatality rates and increased underage alcohol consumption.
BAC TESTING, DATA AND RECORDS BAC TESTING, DATA AND RECORDS (CONTINUED)	C+	**Strengths:** The NHTSA Administrator has stated that improving data systems will be a top priority in 2003. FARS continues to be the best system available for analyzing data on fatal crashes and documenting alcohol-involvement in these crashes. Over the last several years, federal agencies have increased the emphasis on data collection, reporting and increasing BAC testing rates. Improvements in the FARS imputation system have resulted in more

		accurate and reliable data. There has been an improvement and increase in the data available on line and better linkage between traffic data and medical records. **Challenges:** The Administration did not request increased funding for FARS in FY 2003 to support their stated recognition of the importance of data in evaluating and addressing impaired driving and other highway traffic safety issues. There continues to be a problem with the collecting and reporting of FBI arrest data. The FBI and the CDC need to report alcohol-related fatalities and serious injuries as violent crimes.
LAW ENFORCEMENT PROGRAMS	C+	**Strengths:** Individual law enforcement officers remain committed to enforcing impaired driving laws despite a lack of sufficient funding and resources. Sobriety checkpoints have long been recognized as one of the most effective deterrents to impaired driving and have been used by police for more than 20 years. Currently, 37 states and the District of Columbia conduct sobriety checkpoint enforcement programs. "Click It or Ticket" seat belt mobilizations have been very effective in increasing seat belt use. There are plans to conduct both seat belt and impaired driving mobilizations in 2003 and 2004. **Challenges:** Impaired driving enforcement programs lack sufficient funding. The Administration and Congress must provide more funding for enforcement efforts. Although sobriety checkpoints are extremely effective, only 11 states conduct them as often as once a week. Federal programs must fund and encourage the use of high-visibility, highly-publicized, multi-agency sobriety checkpoints and other impaired driving enforcement programs on a regular basis. Federal programs must also support on-going national impaired driving enforcement mobilizations supported by targeted paid ads.
ADMINISTRATIVE MEASURES AND CRIMINAL SANCTIONS	B-	**Strengths:** Since the Rating the States 2000 Report, 16 states have adopted a .08 BAC per se law bringing the total number of states with a .08 BAC law to 33 and D.C.; 8 states and D.C. have adopted a GDL law. A growing number of states have adopted tougher sanctions for high BAC drivers and repeat offenders, including criminal and administrative vehicle sanctions. **Challenges:** 10 states still have not adopted an ALR law despite the long established proven effectiveness of this DUI countermeasure; one state still does not have an illegal per se law. Only 18 states and D.C. have adopted a primary enforcement seat belt law despite the fact that this may be the single most effective measure to reduce alcohol-related fatalities. Only one state has adopted a primary belt law

		within the last three years.
UNDERAGE DRINKING AND DRINKING AND DRIVING CONTROL	C+	**Strengths:** Funding continues for the OJJDP Program to address underage drinking and there has been progress in the passage of GDL laws. The NIAAA Governor's spouses' initiative to address underage drinking continues, but it is too early to evaluate the effectiveness of the program and an evaluation component needs to be included. Federal dollars continue to provide a growing body of research on the extent and impact of underage drinking. **Challenges:** Congress needs to pass legislation to develop a national media campaign to prevent underage drinking. Failure of measures to include alcohol and underage drinking in the nation's Youth Anti-Drug Media Campaign indicates a lack of understanding that alcohol is the drug of choice among America's youth and that alcohol is responsible for more youth deaths than all other illicit drugs combined. Enforcement of laws against alcohol sales to minors needs to be improved by imposing performance standards similar to those set by the Synar Amendment for sales of tobacco to underage purchasers. Tougher restrictions on all alcohol advertising need to be imposed to limit exposure and irresponsible messages to underage viewers; public health and safety messages should be an essential part of media outlets' advertising plans. Congress not only needs to defeat efforts to roll back the excise tax on alcohol, but also needs to increase the beer and wine taxes to equal the current excise tax on distilled spirits. A significant portion of the excise taxes on alcohol should be devoted to programs to prevent impaired driving and underage drinking.
VICTIM ISSUES	D+	**Strengths:** There is some support for a Crime Victims' Rights Constitutional Amendment at the Congressional level and the Administration has expressed public support for the proposed amendment. VOCA continues to be a major source of funding for crime victims' services; compensation and spending by state victim compensation programs has increased by nearly $100 million over the last three years. There are currently more than 3,500 victim services programs funded by VOCA. What are they? **Challenges:**

		There has been little movement on the passage of State Constitutional Amendments for Victims' Rights during the past three years and Congress needs to move forward with the Crime Victims' Rights Constitutional Amendment at the national level. The VOCA program is funded by fines imposed on criminal offenders; Congress needs to release more VOCA funds so that crime victims will get the help they need and deserve.
LAWS	C	**Strengths:** The passage of the federal law that imposes sanctions on states that do not lower their illegal blood alcohol concentration limit to .08 has resulted in 16 more states adopting a .08 BAC per se law. Provisions in TEA-21 requiring states to adopt minimum sanctions or penalties for repeat offenders have resulted in 32 states and D.C. enacting or strengthening penalties for repeat DUI offenders. 35 states and D.C. have open container laws that are in compliance with TEA-21. **Challenges:** Federal laws dealing with traffic safety programs need to be revised to significantly increase funding for state highway safety programs and enforcement, to mandate passage of primary enforcement seat belt laws, and to mandate a comprehensive system of laws targeting higher-risk drivers including administratively imposed vehicle sanctions and treatment. Revisions also need to be made to hold states more accountable by ensuring that federal highway safety dollars are being used effectively.
FATALITY TRENDS FATALITY TRENDS (CONTINUED)	C-	**Strengths:** There is no good news in alcohol-related fatality trends in the U.S. Wow! **Challenges:** In the last three years, alcohol-related fatalities in the U.S. increased from 16,572 to 17,448 annually. This represents a 5% increase. The percentage of total traffic deaths that were alcohol-related also increased from 40% to 41%. The progress made in reducing alcohol-related fatalities in the 1980's and early 1990's has not only stalled but the nation is now headed in the wrong direction.

United States 2001 Alcohol-Related Fatalities and Crash Costs

Total Traffic Crash Deaths	42,116
Total Alcohol-Related Traffic Deaths	17,448
Percentage of Total Traffic Deaths Alcohol-Related	41%
Annual Cost of Alcohol-Related Crashes	$114,300,000,000
Cost Per Alcohol-Related Fatality	$3,500,000
Cost Per Alcohol-Related Injury	$99,000

CONNECTICUT C-

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
STATE POLITICAL LEADERSHIP: GOVERNOR HOUSE SENATE	 B+ C+ B	**Strengths:** Governor Rowland has provided leadership and support for drunk driving issues by publicly addressing these issues, including them in his agenda, endorsing bills and he has appointed a DUI Task Force and coalition on underage drinking. The First Lady is active in "Leadership to Keep Children Alcohol Free." President of the Senate and Senate leadership are generally supportive of DUI legislation. **Challenges:** Governor did not include GDL in budget bill despite the high rate of youth involvement in alcohol-related crashes in the state. House leadership is not supportive of DUI legislation and opposition to highway safety issues generally comes from the Senate. The House killed the GDL bill and the open container and ignition interlock bill also died in committee. House and Senate have killed GDL and BUI in the last two sessions.
BAC TESTING, DATA AND RECORDS	C-	**Strengths:** BAC testing rate of killed drivers of 84.8% is higher than the national average of 73.6%. Has mandatory BAC testing of killed drivers and program to increase testing/reporting rate of drivers involved in fatal/serious injury crashes. **Challenges:** BAC testing rate of surviving drivers of 27.0% is lower than the national average of 35.8%. Needs mandatory BAC testing of surviving drivers, hospital BAC reporting and complete DUI tracking system including vehicle sanctions. BAC test refusal rate of 31% is one of the highest in the nation.
STATE LAW ENFORCEMENT PROGAMS	C+	**Strengths:** Conducts highly publicized, high visibility, multi-agency SCP programs but only periodically. State Police/Highway Patrol use in-vehicle video cameras and training includes SFST, conducting SCP, use of video cameras and death notification. Has comprehensive DUI enforcement program with alternative transportation component. **Challenges:** Needs to conduct highly publicized, multi-agency SCP and other high visibility enforcement programs on a regular basis and use and provide training on the use of PBTs and PAS. Training program should also include DEC. Needs program to enforce DWS and officer awareness of and compliance with mandatory BAC testing of killed drivers law needs to be increased.
ADMINISTRATIVE MEASURES AND CRIMINAL SANCTIONS	B	**Strengths:** Has ALR, .08, primary belt, vehicle impoundment/immobilization, mandatory assessment/treatment, test refusal is a criminal offense and felony DUI for 3rd or subsequent DUI offense. Repeat offenders not eligible for hardship license, request for ALR hearing does not delay license suspension, ALR suspension counts as prior DUI offense, pre-trial diversion not allowed for DUI offenders and state law does not create presumption offender not DUI if BAC below a certain level. **Challenges:** Needs ignition interlock, vehicle sanctions for repeat offenders and DWS, lower BAC limit for convicted/repeat offenders and open container. License not confiscated at time of arrest for BAC test failure or refusal, BAC test refusal suspension does not count as prior DUI offense, completion of mandated treatment program is not required for license reinstatement and state needs to adopt BUI law with driver's license suspension sanctions.

CALIFORNIA B+

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
STATE POLITICAL GOVERNOR ASSEMBLY SENATE	 B+ B- C+	**Strengths:** Governor Davis is supportive of DUI issues and the initiatives and programs of the Office of Traffic Safety. The First Lady is active in "Leadership to Keep Children Alcohol Free." The Assembly and Senate are generally supportive of DUI and underage drinking countermeasures but most of the bills seem to originate in the Assembly. State has the most comprehensive DUI laws in the nation. **Challenges:** Governor needs to play a more active role in speaking out on highway safety issues. Both the Assembly and the Senate need to be more aggressive and not rest on California's record of being one of the most progressive states in the nation. Need continued leadership and support for mandatory assessment and treatment, lower BAC limit for convicted/repeat offenders and enhanced penalties based on BAC level of .15 or higher. Senate needs to be more proactive as opposed to just following the lead of the Assembly.
BAC TESTING, DATA AND RECORDS	A	**Strengths:** BAC testing rate of killed drivers of 90.9% is higher than the national average of 73.6%. Has mandatory BAC testing of killed and surviving drivers, program to increase testing/reporting rate of drivers involved in fatal/serious injury crashes and tracks repeat offenders, zero tolerance violations and vehicle sanctions. Test refusal rate of 5% is one of the lowest in the nation. **Challenges:** BAC testing rate of surviving drivers of 22.5% is lower than the national average of 35.8%. Needs hospital BAC reporting.
STATE LAW ENFORCEMENT PROGRAMS	A	**Strengths:** Conducts highly publicized, high visibility SCP programs on a regular basis. State Police/Highway Patrol use in-vehicle video cameras, PBTs and mobile BAC testing vehicles. Training includes SFST, conducting SCP, use of video cameras, DEC, use of PBTs and death notification. Has comprehensive DUI enforcement program with alternative transportation component and program to enforce DWS. **Challenges:** Needs to coordinate and conduct SCP and other high visibility enforcement programs jointly with local law enforcement, use and provide training on the use of PAS and increase officer awareness of and compliance with mandatory BAC testing of surviving drivers' law.
ADMINISTRATIVE MEASURES AND CRIMINAL SANCTIONS	A-	**Strengths:** Has ALR, .08, primary belt, ignition interlock, vehicle impoundment and immobilization, vehicle confiscation and forfeiture and vehicle sanctions for DWS. Repeat offenders not eligible for hardship license, request for ALR hearing does not delay license suspension, ALR and BAC test refusal suspensions count as prior DUI offense and completion of mandated treatment program required for license reinstatement. Conviction for BUI provides for driver's license suspension and counts as prior DUI. **Challenges:** Needs mandatory assessment/treatment, lower BAC limit for convicted/repeat offenders, enhanced penalties based on BAC of .15 or higher, criminalization of BAC test refusal and felony DUI for 3rd or subsequent DUI offense. State law creates presumption offender is not DUI if BAC below a certain level and state needs to eliminate pre-trial diversion for DUI offenders.

CALIFORNIA

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
UNDERAGE DRINKING AND DRINKING AND DRIVING CONTROL	B	**Strengths:** 21.3% of youth drivers involved in fatal crashes in 1999/01 were alcohol positive. Investigates last point of sale where minors involved in A/R crashes or DUI and reports to ABC. Conducts compliance checks and has school-based alcohol/drug education and intervention programs, state sponsored PI&E programs directed at underage drinking, GDL law, model 21 MDA laws and keg registration. Arrest rate for zero tolerance and MIP violations is high. **Challenges:** Rate of alcohol positive youth drivers involved in fatal crashes increased 1.1% from 1996/98 to 1999/01. Needs programs to increase awareness and enforcement of zero tolerance law, mandatory server training and more ABC enforcement officers.
VICTIM ISSUES	A	**Strengths:** Has Victims' Rights Constitutional Amendment, enforcement mechanism for victims' rights, enhanced penalties/child endangerment, crisis response team with DUI victim representation, crime victim representative on Pardon/Parole Board, Victim Compensation Board and agency that administers VOCA funds, restitution is authorized at sentencing, has electronic victim information system and felony offense for causing serious injury while DUI. **Challenges:** Needs enabling legislation in support of Victims' Rights Constitutional Amendment.
LAWS	A-	**Strengths:** State has adopted 26 of 37 important legislative measures including 12 research based laws, 8 priority laws and 6 key laws. One of only 14 states and D.C. that has ALR, .08 and primary belt laws. **Challenges:** Needs mandatory assessment/treatment, lower BAC limit for convicted/repeat offenders, enhanced penalties based on BAC of .15 or higher, criminalization of BAC test refusal and laws controlling happy hours.
FATALITY TRENDS	B-	**Strengths:** Percentage of total traffic fatalities A/R only slightly lower than the national average. **Challenges:** Rate of alcohol positive drivers involved in fatal crashes increased 7.8% from 1996/98 to 1999/01. Between 1999 and 2001, 22.7% of drivers involved in fatal crashes were alcohol positive as compared to 21.4% between 1996/98.

California 2001 Alcohol-Related Fatalities and Crash Costs

Total Traffic Crash Deaths	3,956
Total Alcohol-Related Traffic Deaths	1,569
Percentage of Total Traffic Deaths Alcohol-Related	40%
Annual Cost of Alcohol-Related Crashes	$12,100,000,000
Cost Per Alcohol-Related Fatality	$3,800,000
Cost Per Alcohol-Related Injury	$115,000

CONNECTICUT

CATEGORY	GRADE	STRENGTHS
UNDERAGE DRINKING AND DRINKING AND DRIVING CONTROL	D	**Strengths:** Investigates last point of sale where minor involved in A/R crash, DUI or MIP and reports to ABC. Conducts compliance checks, has school-based alcohol/drug intervention programs, keg registration and state sponsored PI&E programs directed at underage drinking. Arrest rate for zero tolerance violations is high. **Challenges:** 29.9% of youth drivers involved in fatal crashes in 1999/01 were alcohol positive. Rate of alcohol positive youth drivers involved in fatal crashes increased 12.6% from 1996/98 to 1999/01. Needs GDL law, model 21 MDA laws, programs to increase awareness and enforcement of zero tolerance law and school-based alcohol/drug education programs. Arrest rate for MIP violations is low.
VICTIM ISSUES	B	**Strengths:** Has Victims' Rights Constitutional Amendment with enabling legislation, enforcement mechanism for victims' rights, crisis response team, victim restitution is authorized at sentencing, electronic victim information system and felony offense for causing serious injury while DUI. **Challenges:** Needs enhanced penalties/child endangerment, DUI victim representation on crisis response team and victim representation on Pardon/Parole Board, Victim Compensation Board and agency that administers VOCA funds.
LAWS	C	**Strengths:** State has adopted 20 important legislative measures including 8 research based laws, 5 priority laws and 7 key laws. One of only 14 states and D.C. that has ALR, .08 and primary belt laws. **Challenges:** Needs ignition interlock, vehicle sanctions for repeat offenders and DWS, lower BAC limit for convicted/repeat offenders, anti-plea bargaining, criminalization of test refusal and open container.
FATALITY TRENDS	D	**Strengths:** No strengths in this section based on increase in alcohol-related fatality trends as indicated by the challenges. **Challenges:** Rate of alcohol positive drivers involved in fatal crashes increased 0.6% from 1996/98 to 1999/01. Between 1999 and 2001, 31.1% of drivers involved in fatal crashes were alcohol positive as compared to 31.0% between 1996/98. Percentage of total traffic fatalities A/R one of the highest in the nation.

Connecticut 2001 Alcohol-Related Traffic Fatalities and Crash Costs

Total Traffic Crash Deaths	312
Total Alcohol-Related Traffic Deaths	158
Percentage of Total Traffic Deaths Alcohol-Related	51%
Annual Cost of Alcohol-Related Crashes	$1,000,000,000
Cost Per Alcohol-Related Fatality	$4,100,000
Cost of Alcohol-Related Crash Injury	$126,000

GEORGIA B

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
STATE POLITICAL LEADERSHIP: GOVERNOR HOUSE SENATE	 A- B+ B+	**Strengths:** Governor Barnes and Lt. Governor Taylor are strong supporters of anti-DUI legislation. Governor publicly addresses these issues and includes them in his legislative agenda. The First Lady is active in "Leadership to Keep Children Alcohol Free." Speaker and House leadership and Senate President and Senate leadership are supportive of DUI legislation. **Challenges:** Governor needs to appoint a DUI Task Force and Legislature needs to continue aggressive approach to DUI and move forward with Victims' Rights Constitutional Amendment.
BAC TESTING, DATA AND RECORDS	C	**Strengths:** BAC testing rate of surviving drivers of 67.3% is higher than the national average of 35.8% and third highest in the nation. Has mandatory BAC testing of killed and surviving drivers. **Challenges:** BAC testing rate of killed drivers of 69.5% is lower than the national average of 73.6% despite having a mandatory testing law. Needs program to increase testing rate of killed drivers, hospital BAC reporting and complete DUI tracking system including vehicle sanctions.
STATE LAW ENFORCEMENT PROGRAMS	A-	**Strengths:** Conducts high visibility, multi-agency SCP programs on a regular basis. State Police/Highway Patrol use in-vehicle video cameras, PBTs, PAS and mobile BAC testing vehicles. Training includes SFST, conducting SCP, use of video cameras, DEC, use of PBTs and PAS and death notification. Has comprehensive DUI enforcement program. **Challenges:** Needs to highly publicize SCP and other high visibility enforcement programs and needs program to enforce DWS. Officer awareness of and compliance with mandatory BAC testing of killed and surviving driver laws needs to be increased.
ADMINISTRATIVE MEASURES AND CRIMINAL SANCTIONS	C+	**Strengths:** Has ALR, .08, primary belt, ignition interlock, license plate confiscation, vehicle confiscation/forfeiture, mandatory assessment/treatment, enhanced penalties based on BAC of .15 or higher and felony DUI for 3rd or subsequent DUI offense. Request for ALR hearing does not delay license suspension and state law does not create presumption that offender is not DUI if BAC is below a certain level. **Challenges:** Needs vehicle sanctions for DWS, lower BAC limit for convicted/repeat offenders and criminalization of BAC test refusal. Repeat offenders eligible for hardship license, ALR and BAC test refusal suspensions do not count as prior DUI offense, implied consent law allows offender to refuse BAC test and percentage of license reinstatements following ALR administrative hearings is extremely high.

GEORGIA

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
UNDERAGE DRINKING AND DRINKING AND DRIVING CONTROL	B	**Strengths:** 15.6% of youth drivers involved in fatal crashes in 1999/01 were alcohol positive. Investigates last point of sale where minors involved in A/R crashes, DUI or MIP. Conducts compliance checks and has GDL law, keg registration, state sponsored PI&E programs directed at underage drinking and strong ABC enforcement program as evidenced by high number of license actions against licensed establishments for 21 MDA law violations. **Challenges:** Rate of alcohol positive youth drivers involved in fatal crashes increased 8.4% from 1996/98 to 1999/01. Needs model 21 MDA laws, programs to increase awareness and enforcement of zero tolerance law, mandatory server training and school-based alcohol/drug education and intervention programs. Arrest rate for zero tolerance and MIP violations is low.
VICTIM ISSUES	D+	**Strengths:** Has enhanced penalties/child endangerment, crisis response team, victim representation on Victim Compensation Board, victim restitution authorized at time of sentencing, electronic victim information system, felony offense for causing serous injury while DUI and feticide by vehicle law. Surcharge on DUI fines earmarked for victims' compensation. **Challenges:** Needs Victims' Rights Constitutional Amendment with enabling legislation, enforcement mechanism for victims' rights, DUI victim representation on crisis response team and victim representation on Pardon/Parole Board and agency that administers VOCA funds.
LAWS	A-	**Strengths:** State has adopted 27 of 37 important legislative measures including 12 research based laws, 7 priority laws and 8 key laws. One of only 14 states and D.C. that has ALR, .08 and primary belt laws. **Challenges:** Needs vehicle sanctions for DWS, lower BAC limit for convicted/repeat offenders and criminalization of BAC test refusal.
FATALITY TRENDS	B	**Strengths:** Rate of alcohol positive drivers involved in fatal crashes decreased 0.1% from 1996/98 to 1999/01. Between 1999 and 2001, percentage of drivers involved in fatal crashes (20.6%) remained the same from the period between 1996/98. Percentage of total traffic fatalities A/R lower than the national average. **Challenges:** Needs to maintain decrease in alcohol-related fatality trends.

Georgia 2001 Alcohol-Related Fatalities and Crash Costs

Total Traffic Crash Deaths	1,615
Total Alcohol-Related Traffic Deaths	557
Percentage of Total Traffic Deaths Alcohol-Related	35%
Annual Cost of Alcohol-Related Crashes	$3,300,000,000
Cost Per Alcohol-Related Fatality	$3,500,000
Cost Per Alcohol-Related Injury	$100,000

FLORIDA B-

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
STATE POLITICAL LEADERSHIP: GOVERNOR HOUSE SENATE	 C+ B+ B+	**Strengths:** Governor Bush publicly addresses DUI and other alcohol-related issues but has not actively endorsed some key measures. The First Lady is active in "Leadership to Keep Children Alcohol Free." Leadership in the House and House members have been supportive of DUI and victims' issues legislation and were the moving force behind passage of felony DUI law, criminalization of test refusal, victims' public records law and vehicle registration donor program. House and Senate passed Open House Law to reduce availability of alcohol to minors. **Challenges:** Governor needs to make highway safety issues part of his legislative agenda, provide leadership and support for the passage of primary belt and appoint a DUI Task Force. He eliminated Commission on Alcohol. Senate President is not supportive of DUI legislation. House and Senate need to show their support for lifesaving legislation by passing a primary belt law.
BAC TESTING, DATA AND RECORDS	C	**Strengths:** Has mandatory BAC testing of killed and surviving drivers, program to increase testing/reporting rate of drivers involved in fatal/serious injury crashes, hospital BAC reporting is authorized and tracks repeat offenders and zero tolerance violations. **Challenges:** BAC testing rate of killed drivers of 65.4% is lower than the national average of 73.6%. BAC testing rate of surviving drivers of 22.2% is lower than the national average of 35.8%. Needs complete DUI tracking system including vehicle sanctions. BAC test refusal rate of 37%-43% is one of the highest in the nation.
STATE LAW ENFORCEMENT PROGRAMS	B	**Strengths:** Conducts highly publicized, high visibility, multi-agency SCP programs but only periodically. State Police/Highway Patrol use in-vehicle video cameras, PBTs and mobile BAC testing vehicles. Training includes SFST, conducting SCP, DEC and use of video cameras and PBTs. Has some of the components of comprehensive DUI enforcement program and program to enforce DWS. **Challenges:** Needs to conduct highly publicized, multi-agency SCP and other high visibility enforcement programs on a regular basis, use and provide training on use of PAS and training program should include death notification. Officer awareness of and compliance with mandatory BAC testing of killed and surviving drivers' laws needs to be increased.
ADMINISTRATIVE MEASURES & CRIMINAL SANCTIONS	A-	**Strengths:** Has ALR, .08, ignition interlock, vehicle impoundment/immobilization, vehicle sanctions for DWS, mandatory assessment/treatment, test refusal is a criminal offense and has felony DUI for 3rd or subsequent DUI offense. Repeat offenders not eligible for hardship license, request for ALR hearing does not delay license suspension, ALR and BAC test refusal suspensions count as prior DUI offense, completion of mandated treatment program is required for license reinstatement and pre-trial diversion is not allowed for DUI offenders. **Challenges:** Needs primary belt, lower BAC limit for convicted/repeat offenders and enhanced penalties based on BAC limit of .15 or higher. Implied consent law allows offenders to refuse BAC test and state law creates presumption that offenders are not DUI if BAC is below a certain limit.

FLORIDA

CATEGORY	GRADE	STRENGTHS AND CHALLENGES
UNDERAGE DRINKING AND DRINKING AND DRIVING CONTROL	C	**Strengths:** 17.8% of youth drivers involved in fatal crashes in 1999/01 were alcohol positive. Investigates last point of sale where minors involved in A/R crashes, DUI or MIP and reports to ABC. Has GDL law, conducts compliance checks and has good ABC enforcement program as evidenced by high citation rate of licensed establishments for age 21 violations. **Challenges:** Rate of alcohol positive youth drivers involved in fatal crashes increased 27.4% from 1996/98 to 1999/01. Needs programs to increase awareness and enforcement of zero tolerance law, model 21 MDA laws, keg registration, mandatory server training, school-based alcohol/drug education and intervention programs and state sponsored PI&E programs directed at underage drinking.
VICTIM ISSUES	A	**Strengths:** Has Victims' Rights Constitutional Amendment; enhanced penalties/child endangerment; crisis response team with DUI victim representation; victim representation on Pardon/Parole Board, Victim Compensation Board and agency that administers VOCA funds; electronic victim information system; felony offense for causing serious injury while DUI; and victim restitution is authorized at sentencing. **Challenges:** Needs enabling legislation in support of Victims' Rights Constitutional Amendment and enforcement mechanism for victims' rights.
LAWS	B+	**Strengths:** State has adopted 27 of 37 important legislative measures including 11 research-based laws, 9 priority laws and 7 key laws. **Challenges:** Needs primary belt, lower BAC limit for convicted/repeat offenders and enhanced penalties based on BAC limit of .15 or higher.
FATALITY TRENDS	C+	**Strengths:** No strengths in this area since alcohol-related fatality trend is greater than the national average as indicated by the challenges. **Challenges:** Rate of alcohol positive drivers involved in fatal crashes increased 28.5% from 1996/98 to 1999/01. Between 1999 and 2001, 22.0% of drivers involved in fatal crashes were alcohol positive as compared to 18.0% between 1996/98. Percentage of total traffic fatalities A/R higher than the national average.

Florida 2001 Alcohol-Related Fatalities and Crash Costs

Total Traffic Crash Deaths	3,011
Total Alcohol-Related Traffic Deaths	1,264
Percentage of Total Traffic Deaths Alcohol-Related	42%
Annual Cost of Alcohol-Related Crashes	$7,600,000,000
Cost Per Alcohol-Related Fatality	$3,400,000
Cost Per Alcohol-Related Injury	$99,000

SB 101 Gasick Family 000122

We are here today because of an article that appeared this past summer in our local newspaper. In that article my wife Kathleen expressed her concerns about changes needed in the CT drunk driving laws. Senator Defronzo contacted us and offered to work with us to try and make some meaningful changes.

Try to imagine having dinner with your son or daughter, talking, laughing and cleaning up together. As they get ready to leave you give them a hug, tell them you love them and remind them to please be careful. Of course they reassure you with don't worry I'll be back later. As you watch them drive away waving and smiling you feel that little knot and say a prayer for their safety. A few hours pass and there is a knock at your door. The police officer says that there has been an accident and asks you to come

to the hospital to identify the body of your child. You cant believe what you are hearing. This must be a mistake, we just saw him a little while ago, so full of life, he said he'd be back.

On May 30th 2003 our nightmare began. My wife, my son Brian and I experienced this horror. Our 20 year old son Steven had been killed by a drunk driver who was also impaired by drugs. He didn't give Steven the right away at an intersection in the center of Newington.

This man had previously been arrested for DUI and involved in an accident on May 5, 2003 just 3 weeks before killing our son Steven. He was scheduled to have his license suspended June 2, 2003. He had also been arrested on a DUI charge in 1999.

To this day we ask ourselves what if. What if Steven had left a few minutes earlier or later. What if the lights had changed at different intervals. What if he had stopped somewhere along the way. The only what if that really matters is the what if the proposed leglislation had been in effect May 30, 2003. Perhaps our son would still be alive today. In 2002 12,300 DUI offenders were processed by the DMV. Of these, 1,700 were second time offenders and 283 were 3 or more time offenders.

People who drink and drive make a choice to do so. Steven had no such choice in this matter. His death was the result of someone elses terrible choice. How many chances do we continue to give drunk drivers? How many victims do we allow them to leave in their wake? Steven will never have

the chance to finish college, to get married or to fulfill his dreams.

Todays proposal we hope is just the first step in tightening up Connecticuts drunk driving laws. Please support this leglislation and show the citizens of the state of Connecticut that you recognize the threat repeat offenders pose and that you are doing something to stop it.

Tuesday, September 2, 2003 | A4 | THE HERALD

BerlinWethersfieldNews

Son's death has family pushing for tighter drunk driving laws

Mother says his death could have easily been prevented

By MEGAN CLAIR
Staff Writer

BERLIN – Kathy Gacek said she believed her son, 20-year-old Steven, was destined to accomplish "good things" in this world.

Steven, who was called "little guy" by his older brother Brian, even though he outgrew his 16-month older sibling sometime during his teenage years, had a wide, easy smile displayed in numerous photographs his mother took, played several instruments and often volunteered his time to local community organizations.

On May 30, Steven kissed his parents goodbye in the driveway of his Berlin childhood home, to which he had just returned upon completing his second year at Northeastern University in Boston, before setting off for a ride on the 1999 Suzuki motorcycle he purchased that week.

But Steven's parents, Kathy and Jacob, would never see their youngest son alive again.

He was struck and killed by a Chevy van, operated by a man whose blood alcohol level tested above the legal limit at a Newington intersection shortly before 9 p.m.

While the Gaceks said they are not looking to persecute those arrested for DUI, they are hoping to bring greater accountability and punishment to repeat DUI offenders, including an immediate license suspension and mandatory substance abuse treatment for anyone charged with DUI.

That's because their son's death might have been avoided had the driver charged had his license suspended just two days sooner, they said.

David DiPrato, 33, of 60 Seventh St., Newington, had a pending drunk driving case following an arrest May 2, when he got behind the wheel of his van DUI arrest was scheduled to take effect June 1, according to the DMV communications office.

Connecticut has strengthened its penalties for first-time DUI offenders to include an automatic 90-day license suspension, although it often doesn't take effect until after the first court appearance for the accused, which is not necessarily scheduled for the day following a DUI arrest.

Current DUI law states that any individual who will not submit to a blood alcohol concentration test will immediately have his or her license confiscated by police and suspended for six months.

DMV officials said statistics involving repeated DUI offenders who are arrested for operating a vehicle while their license is suspended are not compiled.

Kathy Gacek said more needs to be done to keep repeat offenders off the roads.

"Here is someone who continues to make the wrong choices that are affecting others," said Kathy Gacek. "I just feel the law has to be tightened up (to) make people like (DiPrato) more accountable. By the time someone is drunk on the roads, it's too late. They need to be stopped in advance."

Newington police charged DiPrato Aug. 18 with second-degree manslaughter with a motor vehicle in connection with Steven Gacek's death. But the incident could have been prevented had DiPrato's license been suspended just two days sooner, the Gaceks said.

DiPrato admittedly consumed several beers at Aldo's Restaurant, Willard Avenue, in Newington, May 30, and then drove with another man, Joseph Sokoloski, the short distance to a friend's apartment located near the Newington A&P Foodmart.

DiPrato was traveling south-

Steven Gacek, who was headed straight through the same green light in the northbound lane tried to swerve his motorcycle clear of DiPrato's car, but struck the van's right side head-on to avoid contact with the opposite lane of traffic.

According to police reports, DiPrato failed an on-site field sobriety test and had a blood alcohol level of 0.126 percent after responding officers administered the exams upon smelling alcohol on his breath.

Police also seized five empty Budweiser beer cans found beneath the driver's seat in DiPrato's car.

At the time of the accident, DiPrato told officers he had also taken Percocet, a painkiller, although lab results later determined the suspect had consumed Xanax and Oxycodine, arrest warrants stated.

"I feel that a drunk driver on the road has the same potential for danger as placing an individual firing a loaded gun into a crowd of people," Kathy Gacek said.

The Gaceks said they want to see Steven's memory live on. They said they want leave the positive impact on the world that their son might have left had he had the chance to live out his life.

They said they want people to know this accident was not Steven's fault.

The Gaceks have created the Steven J. Gacek Memorial Scholarship Fund through Webster Bank, as well as collecting 122 units at a blood drive held in Steven's honor, the first drive in what his family hopes will become an annual event.

"Someone told us that we'll see Steven again and he's waiting for us in heaven," Kathy Gacek said, "and I know he had faith and I have faith. I think our life is really just a moment, but temporarily, we have been left

SB 101

Mothers Against Drunk Driving
CONNECTICUT STATE OFFICE
19 Bernhard Road
North Haven, CT 06473
Phone (203)752-3273
Fax (203)752-3275
MADDCONN@aol.com

Testimony of
Mothers Against Drunk Driving (MADD) Connecticut State Organization
Before the Transportation Committee
February 18, 2004

Mothers Against Drunk Driving (MADD) Connecticut State Organization supports Senate Bill 101, "An Act Concerning Drunk Drivers." This bill would expedite the suspension of an alleged drunk driver's motor vehicle license when that driver has been involved in a motor vehicle crash resulting in a fatality. Such driver's license would also be suspended if the driver has been suspended for drunk driving within the past 10 years.

This legislation would allow suspension of the driver's license upon notification by the Department of Motor Vehicles to hold a hearing within 30 days of being notified of the driver's request for a hearing. Presently that hearing is scheduled 30-60 days after the arrest for drunk driving. The alleged offender is allowed to legally drive and most times during this period they continue to drink and drive with the potential to cause serious injury or death to innocent drivers on our highways and roads.

In 2002, 140 Connecticut citizens lost their lives in alcohol-related crashes. MADD CT believes that SB 101 will serve to remove drunk drivers from our roads in a more expedient manner. MADD CT urges the Transportation Committee's favorable consideration of SB 101. MADD CT commends Senator DeFonzo for his commitment of this legislation. This will be a life saving bill.

Thank you.

SB 101

RICHARD BLUMENTHAL
ATTORNEY GENERAL

55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE TRANSPORTATION COMMITTEE
FEBRUARY 18, 2004

I appreciate the opportunity to support Senate Bill 101, An Act Concerning Drunk Drivers. This proposal would expedite the suspension of a driver's license in cases of crashes causing a fatality or any driver whose license was previously suspended for drunk driving within the past 10 years.

Under current law, if a person submits to a blood, breath or urine test and is found to have been driving drunk, the police officer confiscates the driving license for 24 hours and submits a report to the Commissioner of Motor Vehicles, which may suspend such person's driver's license for a period of time. Such suspension cannot be implemented until after a hearing is held. The hearing is likely to be scheduled anywhere from 30 to 60 days from the original arrest for drunk driving. During that period of time, the driver is able to legally drive. Too often, the drunk driver will be arrested during this time for driving while intoxicated. Innocent people may be injured or killed.

Senate Bill 101 provides for the summary suspension of a driver's license of any repeat drunk driver or a drunk driver who has caused a fatality. Summary suspension would begin after notice to the driver that the license is suspended. The legislation would require the Department of Motor Vehicles to hold a hearing within 30 days of a request.

Too many lives are lost, too many families loved ones suffer lasting serious disabilities, and too many dreams are crushed, due to crashes caused by drunk drivers. Under current law, repeat drunk drivers legally drive. The message is unmistakable that Connecticut allows people behind the wheel with a history of driving drunk. Senate Bill 101 fairly balances the need to remove drunk drivers from the road with the right to a fair hearing.

I urge the committee's favorable consideration of Senate Bill 101 and commend Senator DeFronzo for his advocacy of this legislation.