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your votes were properly cast. If all the members have voted, the machine will be locked the Clerk will please take a tally.

Clerk, please announce the tally.

THE CLERK:

House Bill 5335, as amended by House "A".

Total number voting	141
Necessary for adoption	71
Those voting Yea	141
Those voting Nay	0
Those absent and not voting	10

SPEAKER DONOVAN:

The Bill as amended is passed.

Will the Clerk please call Calendar 406.

THE CLERK:

On Page 39, Calendar 406, substitute for House Bill Number 5553, AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS.

SPEAKER DONOVAN:

Deputy Majority Leader, Tom Reynolds, you have the floor, sir?

REP. REYNOLDS (42nd):

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

the Bill.

SPEAKER DONOVAN:

Question is on acceptance of the Joint Committee's favorable report and passage of the Bill. Will you remark?

REP. REYNOLDS (42nd):

Thank you, Mr. Speaker. Last year we adopted comprehensive reform of Connecticut's ignition interlock program. The underlying Bill makes changes to that law to achieve conformity with federal law. Secondly, for DUI offenders with three or more convictions whose license is permanently revoked, it provides an option of license restoration sooner if they agree to lifetime use of ignition interlock device. This is to achieve alignment with the law that we passed last year. And, lastly, it makes a technical change regarding the fee for victim impact panels. Mr. Speaker, the Clerk has an amendment, LCO 5035. I would ask the Clerk to please call the amendment and I be granted leave of the chamber to summarize.

SPEAKER DONOVAN:

Clerk please call LCO 5035 which will be designated House "A".

THE CLERK:

LCO 5035, House "A", offered by Representative Reynolds and Fox.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize. Any objection? Hearing none, Representative Reynolds you may proceed.

REP. REYNOLDS (42nd):

Thank you, Mr. Speaker. The amendment simply offers one more option for individuals with three convictions or more who are participating in the lifetime ignition interlock program that for good cause the Commissioner may hold a hearing to consider the removal of the device after 15 years. It also strikes reference to the alcohol and drug addiction treatment program to address an anticipated fiscal impact. I move adoption.

SPEAKER DONOVAN:

Question is on adoption. Remark further? Remark further?

If not, let me try your minds. All those in favor of the amendment, please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Those opposed Nay.

The Ayes have it.

The amendment is adopted.

Will you remark further on the Bill as amended? Remark further on the Bill as amended?

If not, staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a .

Will the Clerk please announce the tally?

THE CLERK:

House Bill 5553, as amended by House "A".

Total number voting 141

Necessary for adoption 71

Those voting Yea 141

Those voting Nay 0

Those absent and not voting 10

SPEAKER DONOVAN:

The Bill as amended is passed.

Will the Clerk please call Calendar 180.

THE CLERK:

On Page 5, Calendar 180, substitute for House Bill Number 5170, AN ACT STREAMLINING TRAFFIC SAFETY EVALUATIONS. Favorable report by the Committee on Transportation.

SPEAKER DONOVAN:

Distinguished Chair of the House of -- House Chair of Transportation, Representative Tony Guerrera, you have the floor, sir.

REP. GUERRERA (29th):

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

SPEAKER DONOVAN:

Question is on acceptance of the Joint Committee's favorable report and passage of the Bill. Will you remark?

REP. GUERRERA (29th):

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SENATOR LOONEY:

Madam President, Madam President.

THE CHAIR:

Yes, Senator Looney.

SENATOR LOONEY:

Yes, Madam President, we have a few items for a second consent calendar.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes, thank you, Madam President.

Madam President, on today's calendar, calendar page 14, Calendar 454, Substitute for House Bill 5425, move to place the item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Thank you, Madam President.

Also, Madam President, calendar page 19, Calendar 487, House Bill 5143, move to place on the consent calendar.

THE CHAIR:

Seeing no objection, sir.

SENATOR LOONEY:

Thank you, Madam President.

And, Madam President, raised -- for House Bill Number 5553, do not have the -- the current calendar number and, Madam President, would also place Substitute House Bill from

Senate Agenda Number 3, Substitute House Bill 5514, Madam President, would move to place that item on the consent calendar and immediately call for a vote on that consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk, will you please call -- hold it one second.

Senator Looney.

SENATOR LOONEY:

If we might stand at ease.

THE CHAIR:

Standing at ease.

(Chamber at ease.)

Senator Looney.

SENATOR LOONEY:

Yes, Madam President, would move to put -- place the -- the House Joint Resolution Number 85 on the -- on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Madam President.

THE CHAIR:

Mr. Clerk, will you call the --

SENATOR LOONEY:

Yes, Madam President, that item that we placed on -- on House Bill 5553 is Calendar -- Calendar 509.

And, yes, Madam President, would call for a vote on the second consent calendar.

THE CHAIR:

Mr. Clerk, will you now call the roll call for the consent calendar.

We got a second -- let's go guys.

THE CLERK:

On page 14, Calendar 454, House Bill 5425; page 19, Calendar 487, 5143; page 22, Calendar 509, House Bill 5553; and on page 22, Agenda 6, House Bill 5514 --

THE CHAIR:

Would you --

THE CLERK:

-- and House Joint Resolution Number 85.

THE CHAIR:
Mr. Clerk, will you call for a roll call vote and the machine will be open. (Inaudible).

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Suzio, Senator Looney, Senator Gomes, Senator Fasano is running.

That's it. The machine will be closed.

Mr. Clerk, will you call the tally please.

THE CLERK:

On consent calendar Number 2.

Total Number Voting	36
Necessary for adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you.

Thank you. Thank you, Madam President.

Madam President, having completed this work, and would move that the Senate stand adjourned for the 2012 session Sine Die.

THE CHAIR:

Seeing no objection, so ordered.

On motion of Senator Looney of the 11th, the Senate at 11:58 p. m., adjourned Sine Die.

JOINT
STANDING
COMMITTEE
HEARINGS

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2012

Good morning and welcome, again, to the Judiciary Committee Public Hearing for Thursday, March 29, 2012. We have a number of people who are signed up to speak. I think we have the biggest list that we've had so far this year in terms of members of the public. So you'll all get a chance to speak, but we have to go in order.

And the way it works is the first hour will be reserved for public officials. There's a sign-up sheet for them, and then we will turn to members of the public. If we get past the first hour, we'll begin to alternate between the public officials and members of the public.

The -- we'd ask you to do your best to limit your comments to three minutes. If you choose to come up with somebody, we'd ask you to still limit your comments as a group to three minutes or you can wait for your turn on the list and, at that time, you'll get your opportunity to speak by yourself.

So if -- having said that, what we -- also one more thing, please keep in mind that this is all public testimony so whether if you submitted something in writing or what you say here, it will be -- it is public. It is available to everyone and just keep that in mind when you're testifying.

So with that, we'll begin with the public officials list. The first name is State Representative Tom Reynolds and --

Good -- good morning, Representative Reynolds.

REP. REYNOLDS: Good morning, senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Tom Reynolds, state representative, and I'm pleased

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to testify in support of House Bill 5553, AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS and specifically the provision in the bill related to ignition interlocked devices or IID.

As this committee knows an IID is an electronic breathalyzer connected to the ignition of a vehicle that measures breath alcohol concentration and prevents a driver from starting the vehicle if the driver's blood alcohol content exceeds a specified limit.

I want to begin by thanking Representative Fox, Senator Coleman and this committee, as well as Governor Malloy, Lieutenant Governor Nancy Wyman, Commissioner Melody Curry, OPM Undersecretary Mike Lawlor, and other legislators for the legislation that originated in this committee and that we enacted last year.

As a result of that legislation, Public Act 11-51, Connecticut now requires the mandatory use of IIDs for all repeat DUI offenders. The IID provision in the bill before you today proposes one change to this historic legislation to strengthen the provision related to our most chronic repeat offenders.

Last year's bill and this year's bill acknowledges that Connecticut's public policy on DUI has largely failed. It acknowledges two harsh realities: one is the license suspensions and fines do not change the behaviors of repeat DUI offenders; and secondly, three out of four DUI offenders with suspended licenses drive anyway. And so that's why states around the country are adopting mandatory use of IIDs for repeat offenders as the most effective strategy.

The chart attached to my summary outlines what existing law relative to IDDs was before Public Act 11-51, what changes went into effect January

1st as a result of Public Act 11-51, and then what change is recommended in today's bill, so you can see what that comparison is.

Specifically, this bill today makes the change to those individuals at the third conviction or higher level. Currently, for offenders with three or more convictions, the law requires license revocation and after six years, the offender may apply for reinstatement. If approved, the offender must drive with the IID for ten years.

The bill before you reduces the suspension period to two years and increases the IID period for lifetime use.

So the law we passed last year and this bill supports what I believe is new public policy in Connecticut, which is shorter license suspension periods followed by lengthy, mandatory performance-based IID periods.

I'll end with just a reminder that across the nation, Connecticut continues to be the worst state relative to drunk driving. Connecticut, there is no other state in the continental US that has a higher percentage of traffic fatalities that are alcohol related. In Connecticut, it's 44 percent. It's an embarrassing ranking to have nationally. It represents hundreds of lives every year that are killed, even more that are injured and -- and many more impacts as well.

So, again, thank you for your historic legislation last year and thank you for considering this minor change this year.

Thank you.

REP. FOX: Thank you, Representative Reynolds.

And I know you've worked diligently on -- on this issue since we started together in the House. And I know last year's legislation was a big change, and can you -- it might be helpful if you could just tell us what type of feedback you've been getting from what we did last year. And why this -- this is the direction that all of the -- those who look to strengthen drunk driving laws have indicated is the -- is the way to go, and it would be interesting if you could share some of that with us.

REP. REYNOLDS: Yes. Thank you, Mr. Chairman.

The big public policy shift was moving away from what had been Connecticut's history of very long suspension periods. And at the conclusion of the suspension period or at the conclusion of their IID period, they would just get their license back. There would -- there had to be no evidence that the behavior of the defender had changed and no evidence that they were now able to comply with the law.

So what we have now is a system that's better for the offender because they're able to drive earlier and get back to work and support their families, but it forces their behavior to change in that if the -- if they continue to log failed starts with the IID, the duration of their IDD period is automatically extended and will continue to be automatically extended until they demonstrate an ability to start the car without registering an exceeded blood alcohol content. So that performance-based component is a very important part of a change in behavior.

It's too early to tell, Mr. Chairman, what effect it is having in Connecticut. It's just -- it is just now being implemented for the first time. Other states that have implemented this

policy have seen dramatic reductions. In New Mexico, which has IID for all offenders, they've seen a 38 percent reduction in alcohol-related traffic fatalities.

Since they enacted this law, Arizona has seen a 33 percent reduction in alcohol-related fatalities.

So the preliminary research around the country is more positive than I would ever have imagined, and we look forward to measuring the results here in Connecticut, as well.

REP. FOX: Thank you for that background, Representative Reynolds.

Are there any questions?

Representative O'Neill.

REP. O'NEILL: How do those reductions compare with other reductions across the country and is everybody experiencing, like, an average 25 percent reduction, or are those significantly different from the national average?

REP. REYNOLDS: It is -- our research shows there's been about 12 studies nationally on the effectiveness of IID across the nation. As you can imagine, they show a -- a breadth of results. Most studies show that ignition interlocks are, on average, 64 percent effective in reducing repeat drunk driving offenses. And the range is from 50 to 90 percent with regard to the reductions in recidivism. So it's a -- it's a big range but by, any measure, they are double-digit reductions in every state that has implemented this.

Now, keep in mind, some of those states have mandatory IIDs for all offenders, even your

first offense. Connecticut is just first conviction and above, and keep in mind, in Connecticut, your first conviction is your second arrest because of the option you have after your first arrest to proceed with a -- a program to have that first offense removed from your record. So -- so I don't expect Connecticut will have as dramatic results until we move towards a system of including all offenders.

REP. O'NEILL: And -- and one -- one observation is that my recollection, the first time I ever heard about these interlock devices was from Dolly Powers. This was a big effort on her part during her years here, as a legislator, starting probably 15 or 16 years ago at least, maybe longer.

Thank you, Mr. Chairman.

REP. FOX: Are there any other questions for Representative Reynolds?

Chairman Coleman.

SENATOR COLEMAN: Good morning, Representative Reynolds.

REP. REYNOLDS: Good morning, Senator.

SENATOR COLEMAN: Thank you for your testimony.

REP. REYNOLDS: Thank you.

SENATOR COLEMAN: I was just trying to, I guess, to maybe anticipate unintended consequences. It may be based upon the experience of New Mexico or other places.

Are you aware of any efforts on the part of individuals who may have been injured as a

result of accidents involving vehicles where drivers are on the ignition interlock device system even if alcohol is not related? I'm trying to think whether there might be any exposure for the state for permitting someone who has had maybe a history of alcohol-related motor vehicle stops being permitted to drive, at all, even with the interlock ignition device?

REP. REYNOLDS: If I understand your question, Senator. You're questioning whether or not a -- a lengthy suspension is -- is a better way of protecting public health as opposed to a shorter suspension that allows them to drive with an IID, is that the question?

SENATOR COLEMAN: Well, I -- I'm really trying to get at, however remotely, whether there is any cause of action against the state for permitting someone who's been convicted or had some history of driving while intoxicated to be on the road, at all, even if a subsequent accident has no alcohol-related issue. It's just an accident but it's an accident involving someone who's required to use an ignition interlock device and determined to be at fault in the accident.

REP. REYNOLDS: Even though there'd be no evidence of alcohol involved?

SENATOR COLEMAN: That's correct.

REP. REYNOLDS: Yeah. I've heard of no such situation. I'm sure it has occurred, and we have not researched that in any way.

SENATOR COLEMAN: Okay. Thank you.

REP. REYNOLDS: I know Mothers Against Drunk Driving and an IID vendor will be testifying later. They may have a better response to that question.

SENATOR COLEMAN: Okay. Thank you.

Thank you, Mr. Chairman.

REP. FOX: Thank you.

Are there any other questions?

All right. Thank you --

REP. REYNOLDS: Thank you

REP. FOX: -- Representative Mr. Reynolds.

Before I call the next speaker, I would like to point out we do an overflow room. There are a number of you who are standing. The overflow room is Room 2E, and there will be video and audio on a screen in Room 2E, so you'll have an opportunity to see everything. You'll also -- we'll still give you the opportunity to come down and speak, but if any of you would like to utilize that, please feel free.

Next is Chief State's Attorney Kevin Kane.

Is Attorney Kane here? Yes.

Good morning.

SB454
HB5360

CHIEF STATE'S ATTORNEY KEVIN KANE: Senator Coleman, Representative Fox, Representative Hetherington, and the rest of the committee, good morning. Sorry. I just came in from CJPAC meeting in the other room.

We submitted written testimony on several bills today. The bill I'd like to -- to devote my remarks to, at least initially, is the Habeas Reform Bill, which is before you. I'd forgotten the number right now --

HB5554

think that ever happened before, so I think that's a credit to everyone's hard work and their willingness to compromise.

CHIEF STATE'S ATTORNEY KEVIN KANE: I think everybody recognizes that it really is a problem, and it's a problem that needs to be dealt with and needs to be dealt with fairly without preventing people from -- from being able to raise legitimate claims. And it's not -- it is a financial concern, but it's an important thing for justice, and I think these things -- we all have different perspectives and those perspectives sometimes are strongly felt. And I'm hoping -- hoping that this has -- this works out to -- to have a significant improvement of the situation.

REP. FOX: Well, thank you, thanks again for your testimony.

Any other questions?

CHIEF STATE'S ATTORNEY KEVIN KANE: And thank you all for being as patient with us as you have.

REP. FOX: Next we have State Representatives Henry Genga and Jack Thompson.

REP. GENGA: Good morning.

REP. FOX: Good morning.

REP. GENGA: Honorable Co-Chairs Senator Coleman and Representative Fox, Honorable Ranking Member Kissel, and Honorary -- honorable members of the Judiciary Committee. HB 5553

I'm Henry Genga, state rep, representing East Hartford; and this morning with me is Representative Jack Thompson from Manchester and Deputy Speaker Bob Godfrey from Danbury. And

we're testifying in support of House Bill Number 5553, AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS.

You have my written testimony, which I will skim through for the convenience of your time.

On January 1, 2012, the repeal of 14-227f took effect, which created a pool of individuals who never went through the mandated multiple Offender Drunk Driving program that is administered by the Department of Motor Vehicles. According to the commissioner of DMV, this number is approximately 21,000. Of that population, around 90 percent are first convicted violators.

The law cannot elect -- cannot let this 21,000 chronic alcohol abusers who are mandated to complete this program to get a pardon. This is what would happen under current law. They could go to motor vehicle, apply, and get their license reinstated. This is a major public issue for us. 14-227 of the statutes must be reinstated without the Multiple Offender Drunk Driving program, Connecticut has no program to address this group of chronic alcohol abusers. Their behaviors must be addressed. And the best way to do it is in the treatment program specifically designed to address these multi-arrests through thorough assessment, education, peer intervention, treatment and aftercare follow-up.

Section 3 of House Bill 5553 will assure that, once again, we have this program in place to address this group and a program that compliments the Ignition Interlock Device Law passed in June 2011.

There is no cost to the state for this program. The DMV provides address labels to offenders --

of offenders to the organizations that provide the treatment program. All other costs are borne by the offenders.

We ask you pass 5553 and rectify this situation.

I thank you for your time and your consideration of this legislation.

REP. FOX: Thank you, Representative.

Representative Thompson, did you want to say anything? Are you in support of Representative Genga's comments, is that --

REP. THOMPSON: As a member of the Appropriations Committee, Representative Fox, Senator Coleman and members of the committee, I do want to comment on the -- all other costs are borne by the offenders.

The procedure has been that the Department of Motor Vehicle would notify the offenders of this program, and they would be responsible for meeting the cost of the program. To the best of my knowledge, that has not been a problem, but it also has meant that it doesn't cost the State anything to continue this program. So from the Appropriations' perspective that's a good thing but also from the offenders' direction, it is a demonstration of their responsibility and meeting that responsibility, and it has worked effectively. But there will be several other witnesses after us who actually work in the program that may want to comment on that.

So that's all I have to say at this time.

REP. FOX: Well, thank you, Representative.

Senator Meyer.

SENATOR MEYER: Honorable Representatives, I -- I like the portion of your bill that deals with the treatment program, but there's another portion of the bill that I got to ask you questions about.

Under current law, after a third conviction for driving under the influence, you're going to lose your license for six years before you can get reinstatement. And your bill reduces that six years to two years, and I -- I am concerned about that. A third conviction for driving under the influence is -- is, you know, is dealing with somebody who really should not have a license. And I -- I could be persuaded to vote for a lifetime revocation of license but -- but your bill appears to reduce it from six years to two years, and I wonder how you justify that?

REP. GENGA: We're dealing with the previous population, and my understanding is that population would be required to use the IID, and you're right.

SENATOR MEYER: I -- I don't have confidence yet in the ignition device. We don't know who's going to enforce that, you know. Our -- our DMV is understaffed. To -- to rely on a -- on the ignition device to -- to prevent drunken driving, I -- at this early stage of that device, which it is, I think is unwise and that -- that's why I'm having trouble reducing from six years to two years, the reinstatement of a license of a drunken driver.

REP. GENGA: The group you referred to, though, for the two years is the previous group, and they could go through the treatment program. It's their option. If they don't, they don't get their license back.

And I think the effectiveness of the treatment program has proven itself, and you'll hear testimony and some empirical data and the recidivism rate for those who've gone through that program. When I saw those figures, I said this is something we've got to have and so have my colleagues who are with me this morning.

REP. FOX: Thank you.

And I should point out the -- the bill that's before us is a combined bill and the sections that the Representatives were concerned about is the part that Senator Meyer indicated his willingness to support. But the second portion where you have a concern is an area that Representative Reynolds is here, as our first speaker, he did speak in support of it, there is testimony on that.

I also expect that representatives from MADD, if they're not here, have submitted testimony on that portion, but I -- I understand your concern on that, as well, because it is -- it is a change. But -- but the Representatives, they've -- they've been advocating for the portion in which they testified. That's been their primary focus, and they've been advocating that not only since the start of session but since the end of last session, so they've been working very hard on this.

Are there any other questions or comments?

Representative Smith.

REP. SMITH: Thank you and good morning.

REP. GENGA: Good morning.

REP. SMITH: You know, I'm not sure I understood your -- your testimony initially. Are you saying

that if somebody gets into the -- well, anybody that gets into the alcohol education program is -- is put into one of these treatment programs as a matter of course. So your testimony is if they have a conviction then there is no such program for them to go into, is that what I understand?

REP. GENGA: Other than repeal. Right now, anybody with one conviction, one arrest, then a second arrest and a conviction, would not come under the old program, which we're asking to put back into place. Others, multiple offenders beyond that, would be treated differently. But of the 21,000, 90 percent are those with just a first conviction, and that's the group that we're looking to address. And by addressing that group through the treatment program, we believe that's very effective.

And I have the same feelings as Senator Meyer about the IID program, itself, although I think it's still a good idea, but the most effective I believe is the intervention program because it's comprehensive. It starts out with a 48-hour, intensive, one weekend counseling and they get at the root causes, then they meet for 12 weeks, once per week for 12, and then there's more meetings each quarter and they have to prove to the counselors that they're ready to get their license back. And when you see the recidivism rate -- and I'll throw it out now, I'm told it's 7 percent, which is very effective.

REP. SMITH: Well, I agree with you that those who have been convicted should receive that type of program going forward, and if we can make it retroactive, I guess, you know, I'd be happy to do that. I'm just wondering how it works in -- in practicality. If someone's been convicted, and they've been in court; the judge has handed down the sentence without a program being

enforced. How do we go back now and correct that?

REP. GENGA: Through this legislation from my understanding. This legislation, which has been vetted by your legal minds here, that would be appropriate.

REP. SMITH: I guess to the extent we can do it, it's great. I'm not sure if we can so I'll just throw that out there.

REP. FOX: Yes, and if I could just add I think most of the individuals who are -- actually, I don't know of a situation where an individual does not really get probation as part of the -- upon a guilty finding when they receive a DUI so probation does have their own programs that they do go through.. However, this is a program that the Representatives are testifying to that had been in existence and for a number of years and as the Representative testified did have success and it's one that they'd like to see continue so.

Representative Godfrey.

REP. GODFREY: Thank you, Mr. Chairman.

I just want to pull some of these comments together and -- and I'm here on the education piece. Representative Reynolds had that other piece so those questions should be directed to him.

What we did when we basically repealed this requirement and then moved all of the enforcement, postconviction enforcement, from DMV to the Board of Probation and Parole, which I think, is appropriate. They're already to set up to track convicts, to make sure that they are adhering to the requirements of their sentence.

And judges do have discretion now to require this, but it's strictly discretionary. It's not as formally it was where it was a statutory requirement. I think that's the piece we're looking at, and I think there -- this is a work in progress. There's still going to have to be some discussions with Corrections, the Board of Pardons and Parole, OPM, DMV to try and hammer out how we -- how we put this together. It's probably not appropriate to have DMV do this. It's probably more appropriate to have Probation do this, which, you know, again, that they're set up to do now but provide a work -- a program that works.

My -- our good friend from East Hartford is correct. The education program reduces recidivism dramatically, dramatically, from those that do not, and there's going to be a gap. There's going to be a gap. I don't see, you know, you can't go back and impose new punishment on -- on crimes you've already been convicted of. That's clearly unconstitutional. So there will be a doughnut hole, but I'm looking forward to moving forward and -- and at least giving the courts a bit more oomph to be able to do this and to give Probation and Parole a bit more power.

Thank you.

REP. FOX: Thank you, Representative Godfrey.

Are there other questions or comments?

No.

Thank you gentlemen for your testimony.

REP. GENGA: Thank you very much.

the impact on the agency, of putting in a presumption of the delay. It's not a statute of limitations, per se, but what it may do is -- is cause more petitions, at least initially, to be filed to make -- for petitioners to make sure that they're not foreclosed from having their petitions heard. And at this point, we're working on trying to determine what the impact might be, but at the same time that was one of the main reasons that we wanted an agreement. For that reason, but also because it takes a such an inordinate amount of time for us to argue about habeas that we, sort of, wanted a moratorium on having to argue about that just one issue so thank you.

REP. HOLDER-WINFIELD: Thank you.

Thank you.

Joseph -- Joseph Riker.

JOSEPH RIKER: Good morning, Mr. Chairman and members of the Judiciary Committee, with your permission, I like to be joined by two of my colleagues in an effort to consolidate our time before you today.

REP. HOLDER-WINFIELD: Are they also on the list?

JOSEPH RIKER: Yes, they are.

REP. HOLDER-WINFIELD: Okay. Thank you.

JOSEPH RIKER: I am joined by Paul Waters of the Commonwealth Group, and Michael Norton of MCCA.

HB 5553

Good morning, members of the committee. My name is Joseph Riker and I'm the executive director of Connecticut Renaissance. I'm here with my colleagues today to speak strongly in favor of

House Bill 5553, AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS.

Connecticut Renaissance was founded in 1967 by a group of parents to combat drug use among adolescents in local schools. Over the years, Renaissance has grown and expanded its activities to provide a wide range of behavioral health services within Connecticut. We currently provide substance abuse, mental health, and related family counseling services through programs located in Bridgeport, Norwalk, Stamford, and Waterbury. These services are largely provided to the state under contracts with the Department of Mental Health and Addiction Services, the Court Support Services of the Judicial Branch, the Department of Corrections, and the Department of Children and Families.

Renaissance has operated the Fairfield County Impaired Driver Court Diversionary programs for first-time DWI offenders under contract with DMHAS for well over 10 years. And until January of 2012, we had provided treatment services to DWI multiple offenders under contract with the Department of Motor Vehicles for approximately the same period of time. Despite being a longtime provider of DWI intervention services to the state, Renaissance is unaware of the development and evolution of the emergency certified House Bill 6650 of the 2011 session of the General Assembly and did not learn of its provisions until after its enactment. Our reaction to the changes incorporated in that legislation have been largely positive. We fully support the sections dealing with the procedures for individuals with multiple DWI convictions and the expanded use of ignition interlock devices within the state's overall strategy of dealing with DWI offenders.

We do have two major concerns, however, with the outcome of that legislation. The first issue is it's elimination of the longstanding mandatory treatment program for second offenders. We strongly believe that these offenders should be mandated into treatment as was formally -- as was formerly the case and would be the case moving forward under provisions of HB 5553. We're also concerned that the elimination of mandatory treatment program has created the potential for large pool of previously convicted multiple offenders to simply reapply for their license without receiving the treatment mandated at the time of their correction. The State situation would also be corrected by provisions of HB 5553. In reviewing the need for the mandated program and treatment services, we would ask of the committee consider the following factors: First, in a large majority of cases, individuals with a first conviction have previously been arrested for DWI and processed through the court ordered interventionary -- diversionary program. Despite that history and the education they received as part of that program, they have not modified their behavior. Without additional targeted interventions, they have a high risk of continuing their dangerous behavior patterns.

Secondly, while the ignition interlock device has proved to be an excellent enforcement tool, the evidence suggests that its use must be accompanied by treatment if it is to lead to long-term behavior changes. Studies have indicated that offenders revert to their previous behavior patterns following the removal of the ignition interlock device.

Third, we believe that individuals with chronic DWI issues related to alcohol and drug use need to participate in a program that assesses and treats these individuals overall addiction and

possible reoccurring or co-occurring issues within the context which focuses specifically on their DWI behavior patterns with -- in groups of treatment with other DWI offenders.

And finally, the rest -- they'll re-institution of the user-based mandated multiple offender treatment program would not impose any significant cost on the State.

In summary, we strongly believe the re-institution of the user-based -- user fee based mandatory treatment program for multiple offenders in conjunction with the expanded use of interlock devices and the new mandatory penalties associated with individuals with multiple convictions would create an exceptionally strong approach to dealing with potentially deadful -- deadly impacts of DWI activity in the state of Connecticut. Thank you.

REP. HOLDER-WINFIELD: Are you going to provide -- go ahead. And state --

PAUL WATERS: Thank you, Mr. Chairman. I'll just be brief, and then, my colleague Mr. Norton, if you will. I'm Paul Waters. I represent the Commonwealth Group of Manchester Connecticut, which likewise provided the multiple offender drunken driving program since its inception in 1995. That's the one that the Department of Motor Vehicles oversaw. We are here, primarily, in -- to speak with respect to the Sections 3 and 4. Collectively, we agree the interlock ignition device is an excellent deterrent, and we wholeheartedly endorse that.

Specifically, the Sections 3 and 4, however -- and I'm going to say something about Section 4. When the program was repealed, 14-227f, when that was repealed on December 31st of 2011, it

left in its wake 21,000 multiple offenders and those were Commissioner Melody Curry's figures at a meeting I attended along with Representative Godfrey, Genga, Thompson, and others. 21,000 multiple drunken-driving offenders, who as a result of the repeal, no longer had to, A, go through our program; or B, as long as they were a first conviction, would not have to have the interlock device installed. So, in other words, on January 1st, 90 percent of the 21,000 could merely go to the Department of Motor Vehicles when their restoration day comes up, lay down $175 and get their license back. No questions asked. That is clearly a public safety hazard.

I met with the executive director of MADD, Janice Hagy-Margolis on January 3rd, and when I reported this repeal to her. Her words and I quote her. -- I think I saw her here actually. Her words were to me, 21,000 potential killers. So I urge you, with respect to section 4, to please reinstate 14-227f, so that we can go back after those individuals. It still is at no cost of the State and of a very, very limited involvement by the Department of Motor Vehicles. Thank you.

MICHAEL NORTON: Distinguished committee members, thank you for hearing me. Michael Norton from MCCA in Danbury,Connecticut. I've prepared some testimony that's been submitted to you so I want try to repeat that. A lot of it is redundant to what has been said already. HB5553

The two points that I wanted to just to speak to this afternoon are there was discussion earlier -- and I think it was Representative Fox -- about the fact that these clients would be referred to the CSSD system, the Office of Adult Probation System. I wanted to speak a couple of minutes or a couple seconds about that. The

CSSD Adult Behavioral Health Services System, has a specific set of treatment programs that they're authorized to pay for. None of those programs -- because were contracted as -- as Renaissance is to provide those programs. None of those programs come anywhere near the intensity of this -- of the former DMV, what we call the DMV weekend program. They don't come -- they don't track the individuals for a long enough period of time, in my humble opinion. And they -- and they're very expensive to the State of Connecticut.

The beauty of the weekend intervention program as it was run by the Department of Motor Vehicles was that it was totally at the expense of the offender, the drunken driver, which I think should be the case. I don't think the State -- citizens of the state of Connecticut should be charged to try to, you know, rehabilitate these folks. They engaged in this behavior and, quite honestly, we gave them one chance with the accelerated rehabilitation program and the 10-week education intervention. We are talking here about those offenders who offended after that intervention. They obviously demonstrate to us a much -- the need for much more intense intervention. And I think at that the specifics of the weekend intervention program itself, where they actually come for 48 hours and receive a weekend's full of substance abuse counseling. And then, even more importantly, the tracking that occurs in phase 2 and phase 3 of that program are much more -- are going to be much more effective in dealing with this population. And I thank you for your time.

REP. HOLDER-WINFIELD: Thank you.

Senator Meyer.

SENATOR MEYER: Thanks, Mr. Chairman.

You have not addressed Section 1 of the bill. I'd like to just look at that quickly. What's at -- under current law, if you had a third conviction for driving under the influence, you lose your license for six years. Only after six years, can you get a reinstatement. This bill changes that to two years. Do you have an have opinion on that?

MICHAEL NORTON: I would agree with Senator Meyer that if after three DWI offenses that citizen should be required to jump through some serious hoops. Whether it be six years or two years, I haven't quite thought about it yet, but my reaction to it is that any kind of suspension or -- should be related to the time that they're required to keep the IID in the car. For those folks who completely give up that privilege by a third offense, I agree with you, maybe six years isn't long enough.

SENATOR MEYER: To a prior witness, I expressed some concern about the ignition devices as to who's going to enforce that. We're very early in the program as you know, so I do have some concern about Section 1. I also just wanted to thank Renaissance for doing such a great job. You turned around many, many lives. I know it, and I appreciate it.

MICHAEL NORTON: Thank you.

REP. HOLDER-WINFIELD: Representative Smith.

REP. SMITH: Thank you, Mr. Chair.

Just following up on what Senator Meyer's was just asking you in terms of this -- whether it should be six years or two years or whatever year. You know, I think we're all opposed to

anybody getting behind the wheel and drinking and driving. And I think we also have to recognize that many people who do that have a disease. They are alcoholics and they need treatment, which is what you're proposing here today. And if we take that to be true that they do need treatment, and if we do require that they have these ignition devices for the rest of their lives, you know, to me, I understand your concerns of, you know, maybe three times, you're out or two times -- you don't get to third strike, but the disease is such that it doesn't go away. The people who live with it day in and day out and some people fall off the wagon and get back on and have very successful lives. Some people fall off more than once and get back on. My point being, I think we have to take that into consideration when we deliberate these bills that this is not something that they can necessarily control, except with treatment and counseling, on a day-to-day basis and sometimes it's everyday they have to go, you know, to AA meeting or whatever it may be.

So if we realize that and we give them the ignition device as an opportunity to continue with their lives, because understand if you take away the privilege to drive, which it is in Connecticut, they may not be able to provide for their family, get to work, especially in various types of jobs that are out there where you may have to travel. So while I understand all the concerns about anybody getting behind the wheel who has the potential -- higher risk than, you know, the average person may have. I think this committee should be mindful of the fact some of those people that we're dealing with, if we give them the proper treatment and provide these safeguards -- I understand your concerns that, you know, they're new and they may not work. But if we give them a chance to, at least, have the safeguards test out and, hopefully, they can

get back on track and have productive lives, and we can have safe roads. So that's just a little commentary on what I was thinking, and I just want to be clear on the gentleman who spoke to Section 4, because when I read the language it looked like subsection f was in there in today's bill. So are you opposed to subsection 4 as it is, or are you against it?

JOSEPH RIKER: No, no. I just wanted to -- I just wanted to comment on the repeal. No. We are wholeheartedly in favor of subsection 4. We would like to see as the Raised Bill -- the language says, as of passage, that those individuals who were convicted prior to January 1 of 2012 be required to attend the program. And like I said, there's 21,000 of them according to Commissioner Curry and our program is 15 months long. So -- and again, at no cost of the State, so there's a heck of a lot of oversight, monitoring, that type of thing. The recidivism rate that the Department of Motor Vehicles give us in the year 2008 -- that's the last number that I received -- the recidivism rate at that point, speaking to approximately 20,000 offenders who had gone through our program at that point, were 7 percent. And those were the Department of Motor Vehicles statistics. So the point being, that, you know, why repeal something that has been working? Why change something that has been working?

And one last thing, again, we do endorse the -- the ignition interlock device, but by itself, there is a empirical evidence, by itself, once removed, the recidivism rate spikes. Working concurrently with a solid treatment program, and I think we have, over the years, proven that what we've put forth has been solid. Working concurrently with the interlock device, now we got a winner. Now we have a real winner, and it

could be, in fact, a model program, combined model program nationally, I believe.

REP. SMITH: Well, thanks. I appreciate your comments and your input today. It's helpful. I don't think there's anybody on the committee -- sometimes I speak for myself and everyone at the same time but I shouldn't -- but offenders anybody on the committee that's opposed to the program. It probably got repealed inadvertently. I think we're all in favor of the treatment programs that have existed and, hopefully, will exist with this bill. Whether we can impose them retroactively, I'd love to do it, but you understand there may be some challenges out there to do that.

MICHEAL NORTON: Thank you.

REP. HOLDER-WINFIELD: Thank you.

Any other questions?

If not, thank you very much.

MICHAEL NORTON: Thank you.

REP. HOLDER-WINFIELD: Next we'll be William Church.

WILLIAM CHURCH: My name is Skip Church. Thank you for the opportunity to testify concerning House Bill Number 5553, AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS. My testimony concerns the suggested revision of the penalty for a third conviction of operating a motor vehicle under the influence. I've had the opportunity to meet with some of you before on other issues concerning drunk driving. I thank you for those opportunities, and I thank you for this one as well.

For those of you who don't know, a drunk driver killed my son on July 10, 2004. He was only 18 years old. If any of you are parents, you can only imagine that it's the worst thing that can possibly happen to you. Your life is never the same. There is always an empty chair at dinner. There is always someone missing at a family gathering. There will never be a graduation or a wedding, and there will never be grandchildren to play with. All that was taken away by a drunk driver. The reason I came to the Capitol is not to talk about our tragedy, but I come here in hopes that no other family will have to suffer as ours has. First, I commend all of you on your desire to improve drunk driving laws in the state of Connecticut. The law that went into effect in January, requiring those with a second offense, first conviction for DUI to install and use an ignition interlock device for one year is evidence of that desire to improve the laws. In that same bill, you have made it mandatory for all convicted drunk drivers, all offenders, to use ignition interlock devices beginning in 2014. Installing ignition interlock devices as quickly as possible is the key to reducing alcoholic-related death, injury, destruction of property, and recidivism. The people who get drunk and drive have all already ignored the laws of the State of Connecticut. It is difficult to imagine they would respect a mandated suspension. Studies bear that out. License suspension is, unfortunately, not the deterrent we would like it to be.

A study for the Pacific Institute of Research and Evaluation in 2010 by Voas, Tippetts and McKnight states, "Many feel they can avoid apprehension for unlicensed driving. The limited research to date suggests that up to 75 percent of convicted offenders continue to drive, and up to 84 percent delay reinstatement for nearly three years. They go on to say this

suggests that encouraging reinstatement but with controls as some states have provided through laws requiring interlocks as a condition of reinstatement, may be effective if they do not motivate extended delays.

Paul Marques, a senior research scientist at the Pacific Institute for Research and Evaluation, concludes from his studies, unfortunately, it seems in recent years there are many more drivers who find the benefit of the driving unlicensed to be an acceptable low risk thing to do. He goes on to state. This becomes a public danger for several reasons, not the least of which is that an unlicensed driver is usually an uninsured driver. If the drivers do not feel threatened by loss of their licenses, then suspension cannot serve its intended purpose of restricting road use to those who abide by the laws. Whether the people are law-abiding citizens or drunk drivers, they need to go to work. They need to go to the grocery store. They even need to take their kids to soccer practice. A couple of weeks of asking friends for rides and that's over. The convicted drunk driver is willing to take his chances and drive on his own. That's when it becomes dangerous for us and often tragic.

What I'm asking you to do is to reduce the suspension time after the mandatory incarceration, from two years to 45 days. I'd prefer to see 15 days or to take it down to upon arrest, but 45 days is consistent with what you passed last session. At the same time, make it mandatory for the offender to install an ignition interlock device on any car they own or operate. At first this may sound like it is more lenient, but a punishment ignored is no punishment at all, and in many cases it's deadly. A device that prevents an engine from starting saves lives.

I obtained some numbers from the Pennsylvania DUI Association from 2010 as an example of the effectiveness of the ignition interlock devices. The total number of ignition interlocks that they installed in 2010 is 5,265. The total number of failed tests in 2010 was 53,890. That is almost 150 engine starts each day that is prevented by an ignition interlock device. As of last night on its website, SmartStart -- one of the approved ignition interlock vendors in Connecticut -- says it has prevented 6,514,700 alcohol starts. If just one start have been prevented, my son Dustin would still be alive today.

I'm sure that all of you are familiar with the ignition interlock device. Some of you had an opportunity to see it last year. I brought it again just in case anyone has not seen it, wonders what it is, how it works, and if you have any questions, I'll try to answer them. And also Jack Dalton from the industry is here, as well, and he can answer a lot of questions about it.

REP. HOLDER-WINFIELD: Thank you. And thank you for your continued efforts.

Are there any questions from members of the committee?

Representative Smith.

REP. SMITH: Well, first of all, you're absolutely right. I had no idea how you even get the courage to get up here and testify having gone through what you've gone through, but I guess it's in memory of your son. But it is every parent's worst, worst nightmare and God bless you.

WILLIAM CHURCH: Thank you.

REP. SMITH: I am interested in the interlock device. I know a lot of members on this committee and throughout the chambers are concerned that it works or doesn't work. We don't know a lot about it. And hearing some the numbers you testified here to today in terms of 6 million, I thought the number was -- that's phenomenal. So maybe you could just describe a little bit how it does work and, you know, because I think people are concerned, well, you know, if they can -- if anybody can get around it, or it's easy to get around and still get into the car and do the horrible tragic deed. So if you could do that, that'd be great.

WILLIAM CHURCH: This is the only part that's -- is actually in the front seat of the car --

-- and, Jack, pop in, if I make an egregious error.

This part is actually mounted under the dashboard, or in some cases, I guess it could go in the glove compartment. And what the person who is convicted of -- bless you -- the -- the person who is convicted of drunk driving, if he's mandated to use an ignition interlock device, will get into the car, turn the key, which will activate this so he can blow into it. It will ask you to blow into it, which you do with sort of a hum.

(Indicating.) Like that. It will indicate that the test is over, and then it will analyze your breath. And if it is over the accepted number, the ignition -- the car simply will not start, because the rest of this is mounted in the engine. So it will keep you from -- from starting it, and a lot of people have talked about, you know, using balloons or other air

devices, pumps and stuff like that. They just don't work anymore. The industry has come a long way from when it first began what --

Jack, when you were a little kid in '03 -- 25 years ago.

It -- it has looked at things, continually corrected them, and it's the best technology that we've got right now. Is it perfect? No. Are suspensions perfect? Absolutely not. This is better.

Does that, sort of, give you an idea of how it works? There is also a retest. So a lot of people say, well, I can just have somebody else blow into it. Well, within a few minutes, three to five minutes, I think typically, it will ask you for a retest. So what you'll do is pull over and you will do the test again, and if you don't pass, states can set it so, the lights flash, the horn blares, and so it's a signal to law enforcement officers that this person should not be on the road.

REP. SMITH: And how often is the retest, is that just random or --

WILLIAM CHURCH: The retest is random and will continue, if you're driving from here to California, which we talked about last year, do you have to take a test? Yeah, because if you take the first test, and then you pull over and get, you know, a bottle of liquor and drink it, you're still as much of a problem to society, so there are continual tests and they are random.

REP. SMITH: And just one more question if I may. Some of the other concerns, as well, you know, they may have the one car and you testified about that earlier that it should be for every owner's vehicle --

WILLIAM CHURCH: Owned and operated.

REP. SMITH: Owned and operated. So do we have a lot of situations -- or things that you may be aware of where a person may have a interlock device in vehicles that maybe are in his name but let's assume he is a child or a wife or a spouse, and they hop into that car which doesn't have it.

WILLIAM CHURCH: I don't know any studies that indicate that. I'm sure that, you know, periodically, that occurs.

JACK DALTON: May I help with that, sir? May help with that? Of course, I'm Jack Dalton. I'm the director of public policy for the Coalition of Ignition Interlock Manufacturers. I've been in this industry since 1989, and it's a real honor to work with people, like Skip, and the folks from MADD across the country, and it's my job to work with legislators and people across the country to developing ignition interlock program.

You mentioned earlier that Connecticut is new to the game and, yes, you are. You took a major step last year with the legislation that you passed, and you might liken it to entering a major league ball field -- ball game. You don't know how to play yet. You have a lot of learning to do. Well, fortunately, you have a lot of states around the country who've been in the game a lot longer, and they're learning what the rules are.

He mentioned that there is a retest on the device, because when we first started off, you can blow in the device one time and drive all day. Well, then anyone can blow into it. After a car was started, you could drive all day. Now, we have the running retest. While now we

find out that in states -- people, believe it or not, would actually force their wife to blow into it and let them drive. People would actually force their children to blow into the device, while they could continue to drive. So now we have a camera mounted on the dashboard. Connecticut has not decided to use that technology. New York uses that technology, and it records a picture of everyone who blows into the device and will not let the device be used unless that person is sitting in the driver seat with that device and their in front of the camera to verify that they, the driver, are the one who's blowing the test and it's legitimate.

What you'll also find is as we found in the state of West -- I'm sorry -- Washington and Nebraska, that people will just ignore the ignition interlock. Judge, I don't have a car; I'm not driving. They were driving when they were arrested. They drive every day. So what Nebraska and Washington has done now, said, Okay, if you have a car, that's fine. We'll put you an alcoholic monitoring system for the same period of time that you would have had the interlock. All of a sudden when they realize an alcohol monitoring system is $14 a day and an interlock is $3 a day, all of a sudden, they do a car so they go back to driving with ignition interlock.

So there are things that you, as a state, will learn that you have to close these loopholes as we go along. One of those making sure that they -- they have that in every car.

I'm trying to remember your question as far as the vehicles are concerned. As far as a family is concerned, these offenders, the family has known for years they have a problem. If you'll ask the wife, she's asked for the keys many,

many times. And he always says, no, I'm okay; no, I'm okay.

You have to understand, they think they are. Because these are people who drink all the time. This is a natural condition for them, and they think they are okay. But if you put them in a, what MADD calls, a wet lab, as we did upstairs one day. They say, oh, yeah, I feel great. But when we put them on a PBT, a portable breath tester, we found that they weren't okay. What the studies have shown is this gives the family a reason to say, No, Dad, you can't drive my car. The only car you're allowed to drive is that one because it has the interlock. You can't drive my car. You can't drive Mom's car.

Because with the technology we have right now, that's only way you can get around it. So now we have the family on our side, and if you go back to the same -- and those studies were done by PIRE, which is the same organization that he quoted, and they found there is an 87 percent acceptance by the family of that sanction for the driver. And I will add, although I don't have a dog in that fight, the three gentlemen who just sat here a few moments ago and talked to you about treatment and interlock were exactly on point. The studies around the country have shown that the combination of ignition interlock and treatment are the ways to go. Don't do away with either one of them. They work together to further -- further the program and to further public safety.

REP. SMITH: Well, thank you very much. I can't thank you enough for what you've been able to provide to, at least, me today and the committee in terms of your testimony, the input that you've given. I'm also interested in what you

had to say about the suspension period because I agree with you that the suspension is just that, they want to drive, they're going to drive. So I think we need to take a look at that, as well.

WILLIAM CHURCH: Yeah. That's really the issue. I commend you and Senator -- Mr. Chairman, I commend you on what you have done with ignition interlocks. It's been of great value. And I appreciate the fact that you're trying to make it stronger and that two years of suspensions seems like it's, you know, a good move, but really it's -- there is no guarantee with that. I mean, there's much less of a guarantee with that than there is with an ignition interlock device. So if you can put it on as soon as possible and, you know, get them back so they can live their lives, but do it safely and keep us safe. That, in my opinion, is a better route to go.

SENATOR COLEMAN: Thank you.

Representative Adinolfi.

REP. ADINOLFI: Thank you, Mr. Chairman.

I'm very interested in your statements there. The -- the individual that was DUI three times and has to put the interlock system in. Right? He pays for that?

WILLIAM CHURCH: Yes.

REP. ADINOLFI: So -- so if he owns two cars in his family, I'd have no problem voting for putting one in each car. I have no problem with that. I feel we can't get tough enough on drunk drivers. We've tried to get some other legislation through to make it tougher, a little bit on unsuccessful -- we tried to pass -- to get Landry's law, which they have in New York.

You might be familiar with, but this committee doesn't even consider taking it up, and I think it's important.

And I just want to say what's really got me interested in this is it's just me and my wife, no family. We go out for dinner a lot. And I'm walking out into a restaurant -- and you don't see this often, but if you see it, if you go out 20 times for dinner, you see it once, it's once too much. Where a couple goes in with two children to a restaurant for dinner. They both have a cocktail, and then, they order a bottle of wine with dinner, and everything's gone, and then they go out. They leave there and they get in their car with their children and they're driving home. And, you know, they've exceeded the limit. And some of the things that have been presented to get tougher on this type of stuff with children -- a DUI with children in the car. We've chosen not to do anything about that where states, like New York, has and has -- has a lot of arrests made where they have caught adults with children under 15 years old in the car, DUI. We just add a case here in Naugatuck where woman passed out in the car drunk with the baby in her lap. We had another one up in Windsor, with a three-month-old baby in her lap, passed out, and we're not doing anything about that type of thing and maybe next year we will.

WILLIAM CHURCH: You alluded to something that I think is very important and neither one of us brought it up. But the possibility for behavior change is one of the most important things about the ignition interlock. Some of the people who you talk about, who may go out and do exactly what you said at dinner, and then they go in their car and they start it. They may not even know that they've exceeded the limit --

REP. ADINOLFI: That's right.

WILLIAM CHURCH: An ignition interlock device allows them to figure out, Okay, when I'm doing this, I am no longer able to drive, so I shouldn't do it.

And for the repeat offender, it has the possibility -- I hate to use Pavlov's dog as an example -- but the number of times that you out to the car and you can't start it and have to call somebody to pick you up. Pretty soon you're going to learn. You can't drive if you been drinking.

REP. ADINOLFI: That's right.

JACK DALTON: I will also add concerning Mr. Smith's comment, about the restrictions and that is that you now have the federal government on your side as far as reducing the restrictions are concerned. In the Highway Transportation Bill that has been passed by the Senate now, it hasn't been passed yet by the House, but it will be some time this year because it's an election year and they need a jobs bill. They have, number one, reduced the amount of suspension time. They've done away with it, because they started off, it was a one-year suspension, then it was 45-day suspension. It was 45 days with restrictions that you could only drive to work, school or medication. They've removed all those and said to the states, you can now have the interlock and use it as soon as you feel it's necessary.

Another major step that they've taken, and you want to look real close on, is you have a problem in Connecticut with motor vehicle. Your motor vehicle division has an antiquated computer system. They are short on the number of people that they have to monitor these offenders. They are trying to comply with it

and having a hard time doing it. One of the things that the new legislation coming from the federal government will do is say, not only will you qualify as far as your 164 Funds are concerned with no more restrictions, but now with the 410 grant money, you can get additional money if you do have an ignition interlock program for all offenders that can fund motor vehicle. They can fund the people who need to monitor. So you're not only having the offender paying for the device, you now have the federal government to help you with that so you can remove the restrictions and have additional money to fund DMV. So they're on your side, as well. Keep going, you're working -- you're doing good.

REP. ADINOLFI: Thank you.

SENATOR COLEMAN: Are there others with questions?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

The question I have is, under the proposed legislation, it allows somebody to apply for the device after two years. Do you feel that that's too short a time? I understand that -- that you're primary position is this interlock device is better than any license suspension for all the reasons you stated. But I'm just wondering, you know, do you think that the two year minimum time is too short? And also do you know what other states are doing? Do they have any -- any other kind of a threshold?

WILLIAM CHURCH: For me, personally, I don't feel that it's too short. I, actually -- I know this sounds strange. I feel it's too long. Get the ignition interlock device on right away, because it works better than suspension.

As far as other states, Jack, you can probably --

JACK DALTON: Yes. That's exactly what's happening in and around the country. Washington state has just passed that, as well as Nebraska, and what they're saying -- Nebraska said you get the ignition interlock on as soon as you are arrested. We're going to take your license away from you, we're going to put you on ignition interlock tomorrow before you even go to court. If you go to court and your found not guilty, then we were protected by you, and you are protected from yourself for those 60 days that it took you to get to court. If you go to court in your found guilty, then you are credited with those 60 days as for the period of time that you'll be adjudicated from the court. But the most important factor is, get the ignition interlock on as soon after the event -- offense as possible, because what you're dealing with is a person who cannot control their behavior. And the only way we're ever going to protect ourselves is to get that device on. You can -- listen, you can think that suspension is punishment all you want to. But you heard people talk here today. You heard the people from the treatment providers. Drinking drivers walk right through that suspension. They go to these classes. They drive to these classes with no license. They drive to probation with no license. Your suspensions don't do anything. Put the ignition interlock on their -- protect us from them and them from themselves.

WILLIAM CHURCH: And this particular bill, we're talking about third conviction. That's actually their fourth offense in Connecticut. Some studies indicate that people who are finally arrested have driven 87 times drunk before they're actually arrested. So if you multiply

that by four, these people have been doing it for a long time, and they've been doing it a lot. And they know intellectually that they're breaking the law when they drive after they've been drinking. So to expect them to go along with a suspension, probably is not very rational, because they continue to break the law anyway.

REP. BARAM: And finally, are there enough of these devices to handle, you know, the number of people who would be required to get them if we changed the law?

JACK DALTON: We just went through exactly the same question in Virginia. By the way, Connecticut was the 15th state in the nation to mandate ignition interlock for all offenders. I'm very proud to say that this year, two weeks from now, I'm going to Virginia to stand next to the Governor when he signs the bill in Virginia that mandates ignition interlock for all offenders in Virginia. And we had exactly the same question from the legislature in Virginia, and we polled all of the manufacturers. You have to understand, there are 14 different manufacturers. We currently have 250,000 ignition interlocks installed in the United States. There is plenty of capacity. We -- our device is manufactured from LifeSafer. It's manufactured in Cincinnati. We have three other devices that are manufactured right here in the United States, and there are plenty of inventory ready for your offenders. So don't worry about that.

SENATOR COLEMAN: Are there further questions?

And -- Jack, I came in in the middle of your testimony, may I know your last name?

JACK DALTON: My name is Jack Dalton.

SENATOR COLEMAN: Dalton.

JACK DALTON: And I'm the director of public policy for the Coalition of Ignition Interlock Manufacturers.

SENATOR COLEMAN: Okay. Thank you for being here today.

JACK DALTON: Thank you, sir.

SENATOR COLEMAN: And thank you, also, Chuck, for your testimony.

WILLIAM CHURCH: Thank you.

SENATOR COLEMAN: Claire Cain?

CLAIRE CAIN: (Inaudible) Can you hear me better now?

SENATOR COLEMAN: Yes.

SB445

CLAIRE CAIN: My button was not on. I am sorry. Okay.

We want to prevent our municipalities from becoming skittish about potential exposure to personal injury lawsuits. We seriously compromise our ability for trail connectivity between our town open spaces, our forests, linking it to our downtowns, our schools, our parks and our preserves. I've submitted written testimony, and if you take a look, I draw your attention to the back page. There some photos of trail structures, wooden structures that we generally use on our trail systems. You'll notice three of the pictures are on town parks in Guilford, in Berlin, and in Meriden. This is just to give you, kind of, a sampling of the types of structures we use to cross wet areas

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 16
5004 – 5323

2012

State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary

March 29, 2012

HB 5145
HB 5553

S.B. No. 446: An Act Concerning the Amount of Bond that May Be Set for Misdemeanor and Violation Offenses

H.B. No. 5505: An Act Concerning Indecent Exposure to Persons under the Age of Sixteen

H.B. No. 5360: An Act Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property

H.B. No. 5547: An Act Concerning Release from Arrest Without Further Criminal Complaint

H.B. No. 5552: An Act Concerning the Penalties for Failure to Report Child Abuse

H.B. No. 5555: An Act Concerning Diversionary Programs

The Division of Criminal Justice respectfully opposes the above bills for the following reasons:

S.B. No. 446, An Act Concerning the Amount of Bond that May be Set for Misdemeanor and Violation Offenses: The Division of Criminal Justice respectfully recommends the Committee take NO ACTION on this bill. The bill would place artificial limitations on the amount of bail for certain classes of crimes with no justification for doing so. Bonds in excess of the limits proposed in the bill are rare. In most misdemeanor cases the bond is usually low if not a promise to appear. The bill is not necessary since the factors that would have to be considered by the court or bail commissioner in setting a higher bail are already those considered in setting bail. This bill could impinge on the judge's discretion to set bond, which in any given case could prevent the court from setting a bond which is both reasonable and necessary. The Division of Criminal Justice is not aware of any instance where an individual was held on bond for a prolonged period on a misdemeanor count only. If there are such cases we would ask that they be brought to our attention so that we may review the circumstances. The language of the bill is also problematic. By requiring the court to make "specific findings of fact," rather than merely stating its reasons on the record, the question arises of whether some type of evidence or

potential for abuse if such a procedure existed would far outweigh any potential benefit in what we believe would be a miniscule number of incidents. It is not hard to imagine an instance where the police officer could find himself or herself under pressure to "undo" the arrest of a politically or otherwise "connected" individual. The current system providing for review by the prosecutor and/or the courts assures the proper checks and balances.

There are also other problems with this bill. The provision that "no entry ***or other record shall be made*** to indicate that the person has been arrested or charged" (lines 38-39) is problematic. First, this may easily be construed as mandating that no paper (or electronic) trail of the matter exist, which could seriously hamper an internal or external investigation into an allegedly improper "catch and release." How can one determine if the decision to release is justified if there is no record? This is precisely the type of event that should be documented in order to be able to police abuses. Second, what happens in a case in which an entry or record ***is made*** before the "release" determination is made? Per section 1-215, such a record "shall be a public record from the time of such arrest ...." An "oops" determination by the police does not trigger the erasure statute, nor does it necessarily compel destruction per section 1-216 as an uncorroborated allegation. If there is a specific incident that was the basis for this bill, the solution might be better training for the police officers. The Division would be happy to work with the Committee to examine any such incidents and determine a more appropriate course of action.

H.B. No. 5552, An Act Concerning the Penalties for Failure to Report Child Abuse: The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSITTUTE Report for this bill. The Division believes the reclassification of this offense as a class A misdemeanor provides for a more appropriate maximum penalty than the current penalty of a fine only. The Division would recommend that the Committee amend the new section (a) (3) in lines 12-14 to read "intentionally and *unreasonably* interferes with or prevents the making of a report of suspected child abuse or neglect required under section 17a-101a, as amended by this act, or (4)" *(Emphasis added).* This revision seeks to strike a balance between assuring that reports are filed while not causing an overreaction out of fear of penalty for failure to report. The overriding goal, though, must be to encourage reporting since it is the Department of Children and Families (DCF), the police and other appropriate authorities who must ultimately determine if in fact abuse or neglect has or is occurring and how to respond. The Division also would reiterate our longstanding position that any revision to the mandated reporter statutes and related procedures include a strong educational and training component to advise those who are required report of their responsibilities and how to carry them out. One concept worthy of consideration is providing for a greater penalty for those who have had training and still do not report an incident.

H.B. No. 5553, An Act Concerning Substance Abuse Programs: The Division of Criminal Justice respectfully opposes Section 1 of the bill. This would reduce from six years to two years the time before a three-time Driving While Intoxicated (DWI) offender could seek a hearing before the Department of Motor Vehicles Commissioner to request reversal or reduction of license revocation. The Division does not believe a two-year revocation is appropriate. This section also raises questions regarding the treatment of a three-time offender who is arrested for driving while intoxicated after the new two-year window is put in place. Would that individual then be deemed "eligible" for reinstatement and as such subject to the lesser penalty provided

for in section 14-215 (a) rather than the more stringent penalties of 14-215 (c) for driving while license is revoked?

H.B. No. 5555, An Act Concerning Diversionary Programs: The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill to delete section 3 of the bill. Section 3 would allow an individual charged with Sexual Assault in the Second Degree under section 53a-71(a)(1) to take advantage of Accelerated Pretrial Rehabilitation program. This General Assembly has made the determination that this offense is a class B felony - a serious crime - and it should be regarded as such. To allow Accelerated Pretrial Rehabilitation for this crime would be inappropriate. The Division would note that only egregious conduct would be prosecuted as a class B felony since where appropriate the option remains for substituted lesser charges that would be eligible for Accelerated Rehabilitation.

In conclusion the Division extends its appreciation to the Committee for affording this opportunity for input on these bills. We would be happy to provide any additional information the Committee might request or to answer any questions. Thank you.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 17
5324 – 5635

2012

Gregory P. Nolin
97 Harlan Street
Manchester, CT. 06042
860-646-9547

Mr. Chairman,

I am writing to support the passage of the bill that would reinstate a key component of legislature related to persons with drunken driving offenses. I am speaking specifically about Sections 3 and 4 of HB 5553 When the fomer multiple drunk driving program was repealed, 14-227f of the General Statutes, the end result was that 20,000 multiple DUI offenders would wind up 'pardoned' for their crime. There was no longer a program that would teach these people the impact of their decisions, and how to make better decisions in the future. These potential killers were allowed to pay a minimal fee of $175, and get their license back. If this was their first offense, they were also not required to install the Ignition Interlock Device. That was saved for their next offense, which had the high likelihood of resulting in serious injury or death to innocent citizens. This is unconscionable and it is appalling that a state which prides itself in public safety would allow such persons back behind the wheel of a vehicle.

However, there were programs that were highly effective in turning the lives of many alcohol abusers, with multiple drunken driving offenses, into sober and law abiding citizens. These programs are run at no cost to the state! How expensive is it to pay for the aftermath of a fatal accident caused by a drunk driver? How much does the state pay to clean up after a multi-car collision caused by a person driving while intoxicated? The state pays NOTHING for a program that works to educate offenders about their disease and its impact on society. These programs provide follow-up care, again at no cost to the state, to ensure that these individuals continue receiving the support they need to stop this behavior.

In conclusion, I strongly urge this bill to pass. Section 3 would restore the Multiple Offender Drunken Driving Program and apply to those convicted after Jan. 1, 2012, and Section 4 would hold all of those subject to the program prior to Dec. 31, 2011, to complete their obligation to the State as it was originally mandated.There are no words that will ease the pain of someone who has lost a loved one to a drunk driver. There are no words that will ease the pain of someone who has been forever disabled by a drunk driver. There are words that will help someone who has made the wrong decision to drink and drive. Those words can be found in programs that provide education and follow-up care, that have a proven record of success. Those words need to be heard today, in the passage of this bill.

Sincerely,

Gregory P. Nolin, CADAC

March 27, 2012

Mary A. Grabowski, MSW
10 Victoria Lane
Marlborough, CT 06447-1123

RE: Raised Bill NO: 5553 "An Act of Concerning Substance Abuse Programs"

Mr. Chairman:

My testimony today endorses the Bill that is before you: I would like to make a particular plea regarding Section 4, the immediate reinstatement of the multiple offender drunken driving program, also known as 14-227f of the general statutes, which was repealed as of 12/31/2011.

I had the pleasure of working with the Commonwealth Group and the offenders who participated in this program. I must admit, I was skeptical when I began, but then saw many changes in the participants within the first weekend. The participants went from being angry that they had to be in this programs and that it was costing them so much money when they didn't even have a "drinking problem." This was during the first session – Friday night I saw resistance by the participants, however by the end of this 3 day intensive "workshop" many participants started to see, acknowledge and had a willingness to work on their underlying issues. We helped people to look at their behaviors and then give them the tools to change.

The team that the Commonwealth employed had a vast background and knowledge – some clinicians were certified as Drug & Alcohol Counselors, while other were licensed Social Worker, Counselors, Marriage & Family Therapist; there were also a few who were in long-term recovery – this added immensely to an incredible well-rounded team that focuses on long-term recovery. The team on Sunday would plan for each participant's aftercare, which typically included a minimum of one 12-Step program a week (with a sponsor), and a 13-week, weekly meeting sponsored by the Commonwealth Group.

I believe that this recent ignition lock law is just a band-aid for the very large psychosocial problem that therapy needs to be addressing.

Our State has a wonderful opportunity to help their residents with this insidious problem at NO COST TO OUR STATE. Our politicians have an opportunity to help their constituents by voting in favor of this program that is NO COST TO OUR STATE but addresses a major problem that puts many innocent state residents at-risk of being paralyzed or dieing at the cost of a drunk driver.

I am asking my state to **not** put a "band-aid" on this deadly problem but to support a solid program with noted positive results and to reinstate 12-227f of the General Statutes.

Thank you,

Mary Grabowski

Mary A. Grabowski, MSW

Rita McParland
63 Nutmeg Drive
Manchester, CT 06040

March 28, 2012

re: Raised Bill # 5553 "An Act Concerning Substance Abuse Programs"

Mr. Chairman:

My name is Rita McParland. I am writing this letter in support of HB 5553 an act concerning substance abuse programs.

Some 17 years ago Mr. Paul Waters presented a multiple offences DUI program to the medical advisory board of the Department of Motor Vehicles. This weekend program was approved and for the past sixteen years has had a significant impact on the DWI offender.

Over the years I have had the occasion to speak with many of the program participants prior to their starting the weekend program. Without exception they said after their first DUI arrest they would never offend again only to have it reoccur.

This program was designed to provide critical intervention and have immediate and long lasting impact on the lives of those motorists who have a second or subsequent DWI offence.

Simply put the program has been a huge success. I find it extremely difficult to understand why 14-227f which governed this program was repealed when it was so successful. It is my understanding that many in government never knew this program existed. It appears to me that with all the negative press the Department of Motor Vehicles has received they would be anxious to praise this program and the overall success it has enjoyed.

The program doesn't cost the state of Connecticut one penny. The cost is borne entirely by the offender making for many the first time they have been invested in their own recovery.

Results of the weekend program sometimes revealed psychological/psychiatric problems that required the use of prescription medications. Without this program how will these issues be identified?

My husband, John McParland, was a member of the Commonwealth Group until September 2011 I was a member of the office staff for over five years so my knowledge of this program is 1st hand. Many lives were changed and a reduction in multiple DWI's was realized due to this wonderful program.

I would ask you to endorse Section 3, a program designed specifically to address the multiple offender. Not to do so would be an injustice to the state of Connecticut.

Rita McParland

Rita McParland

Charlotte Abrams
736 Broadview Terrace
Hartford, CT 06106

March 29, 2012

RE: **Raised Bill No. 5553 "An Act Concerning Substance Abuse Programs"**

Mr. Chairman,

My testimony today endorses the Bill that is before you: I would like to make a particular plea regarding Sections 3 & 4, the reinstatement of the multiple offender drunken driving program, also known as 14-227f of the general statutes, which was repealed as of 12/31/2011

I support the reinstatement of the multiple offender program because I have witnessed its benefit to many over a significant period of time. As a licensed professional, I have had the privilege of working with many clients in this program and can attest to its effectiveness in changing the lives of so many of its participants. The feedback that we have received over the years has been overwhelmingly positive with expressions of gratitude.

Being arrested for driving under the influences is often indicative of a problem beyond a lack of judgment. The multiple offender program allowed the participants to be evaluated by professional staff with the necessary recommendations being made It also gave the participants the opportunity for self assessment. They were given information and the necessary tools in an environment that allowed for focused self reflection.

Chronic alcohol abusers were able to receive the help needed to become productive citizens with decreased risk of reoffending. Assessment was only part of the program. Substance abuse education and a very through introduction to the process necessary to make substantive changes in ones life was also provided. When indicated, referrals for professional treatment were made.

In many instances a substance abuse evaluation revealed that the client was under the influence of a substance other than alcohol at the time of their arrest. Installing a breathalyzer in the vehicle would not address the possible use of other substances while operating an automobile

Informed participants make better decisions for themselves which will have a positive effect on society as a whole I believe the risks of reoffending are greatly reduced with proper assessment, education and professional treatment if indicated.

For the 20,000 repeat offenders who are being pardoned, I do not condone rewarding citizens for not following through on the mandates of the law at the time of their arrests. I believe they should minimally be assessed for their level of risk of reoffending as well as given the information and tools that would increase their chances of not reoffending. To require less would be an injustice to the offender and to society as well.

Thank you for your consideration,

Charlotte Abrams

Charlotte Abrams

Karen K. Hardy
342 Southwick Rd. A-6
Westfield, MA 01085

Re: Raised Bill No. 5553 "An Act Concerning Substance Abuse Programs"

Mr. Chairman,

My written testimony today endorses the Bill that is before you: I would like to make a particular plea regarding Sections 3 and4, the reinstatement of the multiple offender drunken driving program, also known as 14-227f of the general statutes, which was repealed as of 12/31/2011.

I have been a certified addictions counselor in the State of Connecticut since August 2007 and worked as a substance abuse counselor with the Department of Correction, The Commonwealth Group and New Directions, Inc. I have seen the changes that programs such as these agencies provide to substance abusers in the State of Connecticut make in the lives of those who attend said programs. As a result, those who attain sobriety and treatment through these programs are then able to become law abiding citizens who have a positive impact on society. They can contribute successfully in jobs and with all those they come into contact with. As a result of the repeal of this law it is my understanding that there are approximately 20,000 multiple drunk driving offenders who were not mandated to participate in programs as what the Commonwealth Group provides. Therefore these offenders may very well continue in the high risk behavior of drinking and driving and continue to threaten the safety and welfare of themselves and all those on the roads. Merely paying a $175 fee to restore a driver's license is grossly insufficient in providing the information and addressing the issues that surround DUI. Because these multiple offender DUI programs are not State funded, but all fees covered by the offenders, it only makes sense to reinstate this program and reverse the decision made in this area. The multiple offender DUI program has proven to be effective in addressing this legal matter. I have sat with these offenders, talked and listened to them, and believe in my heart that this is the way to address this issue, through programs such as this. It is imperative that multiple DUI offenders receive the information they deserve and desperately need to make the changes that can save so many lives.

Thank you for your consideration of this important matter.

Karen K. Hardy

Karen K. Hardy, BA, CAC, SCCD

March 29, 2012

William J. Riordan
2 Park Place Apt 24F
Hartford, CT 06106

re: Raised Bill No. 5553 "An Act Concerning Substance Abuse Programs"

Mr Chairman:

My testimony today endorses the Bill that is before you: I would like to make a particular plea regarding Sections 3 and 4, the reinstatement of the multiple offender drunken driving program, also known as 14-227f of the general statutes, which was repealed as of 12/31/2011.

While I am certainly in favor of the imposition of an Ignition Interlock System on multiple DUI offenders, my experience tells me that without a concurrent program addressing the violator's abuse of, or dependence upon alcohol, the likelihood of behavioral change in the future seems unlikely at best. Section # 3 would allow for the multiple offender program (14-227f) to be reinstated basically and address this need. There certainly must be a designated program for the treatment of this chronic population, i.e., the multiple drunken driving offender.

I have been involved with the Pretrial Alcohol Education Programs in Connecticut for over 15 years. As executive director of PACES Counseling Associates, one of the pretrial program providers, I can state with confidence that as a result of their participation, the majority of our clients have recognized their high risk behavior and made appropriate changes.

Despite our best efforts, some clients will be re-arrested for DUI At the outset of each group, we tell the clients that at least one person in the group will have a second arrest within a year. These clients tend to look around the room trying to figure out who the likely offender will be. These clients never seem to think that it could be them. Sadly, some will be re-arrested before they even complete the program.

That being said, if second, or more, offenders are allowed to drive with an ignition interlock device, but without further assessment and education, the likelihood of further recidivism seems to be that much greater. All of the clinical research indicates this. There needs to be a program such as 14-227f to compliment and run concurrent with the IID installation.

I have been told by clients who have attended the multiple offender program in question that they "wished they had taken the first arrest and the pretrial program seriously." They say that they "have now had a serious wake-up call" and gained some insight into their situation. Offering this program to augment the use of the ignition interlock can only increase their chances of future success.

It has been disappointing for me to hear that a reported 20,000 or more multiple offenders who had been mandated to do this program, but never did, are apparently now being given a "pass" in the form of license reinstatement, if they just pay a reinstatement fee of $175.00. It seems that bad behavior is being rewarded. This is a safety hazard and a catastrophe just waiting to happen on the roadways.

I sincerely request that you give your full consideration to the reestablishment of 14-227f As a result, you will very likely be helping to save the lives of potential victims of intoxicated drivers.

Sincerely,

William J Riordan, CAC, ICADC

Shawn P. Dougherty

1546 Willard Ave E8

Newington, CT 06111

Re: Raised Bill No. 5553 "An Act Concerning Substance Abuse Programs"

Mr. Chairman,

My testimony today endorses the Bill that is before you: I would like to make a particular plea regarding Section 4, the immediate reinstatement of the multiple offender drunken driving programs, also known as 14-227f of the general statutes, which was repealed as of 12/31/2011.

I am a citizen of CT and work full time for the Department of Correction as an Addiction Service Counselor. I currently hold a Masters degree in Professional Counseling and I am a certified alcohol and drug counselor. I was appalled when I heard that the multiple offender DWI programs were being abolished due to the last legislative session.

I am aware there are over 20,000 convicted multiple offenders who have never completed the program. It has also been brought to my attention that the DMV was going to pardon these convicted individuals and reinstate their license without them taking a program. I cannot fathom the logic behind this decision. I would understand, but not agree if it were state funded programs they had to take. In this case the multiple offender programs were funded by the offenders. There is no state money required to operate these programs.

Alcoholism and addiction can be cunning, baffling, and a powerful disease. These individuals who have multiple DWI's may suffer from the disease of addiction. It is your responsibility to reinstate these programs so that this disease of addiction can be addressed. Let me give you a simple example, if someone suffers from diabetes or high blood pressure they go to see the Dr. The Dr. will prescribe appropriate treatment and medication. This is the same with addiction and if these individuals are not placed into a program to address their addiction and learn about ways to cope, then the State of CT is failing them and its citizens as a whole.

The last aspect I would like to address is safety. This includes the safety of my family, the safety of your family, the safety of every CT citizen and the safety of these multiple offenders. These programs help to increase safety. These individuals are forced to look at their problems head on, and are made aware of the dangers associated with drinking and driving and alcoholism.

I thank you for your time and trust that my state will do the proper thing and reinstate all multiple offender DWI programming ASAP.

Shawn P. Dougherty

madd Connecticut
Mothers Against Drunk Driving
madd.org/ct
317 Foxon Road
East Haven, CT 06513
203.734.2363 direct
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ct.state@madd.org

Testimony by Janice Heggie Margolis
Executive Director for MADD Connecticut

To Members of Committee on Judicial
March 28, 2012
Raised House Bill No. 5553
"An Act Concerning the Use of Ignition Interlock Devices in Motor Vehicles for DUI Offenders Convicted for a 3rd Violation/4th Conviction"

Good Afternoon. My name is Janice Heggie Margolis, and I am the Executive Director of Mothers Against Drunk Driving Connecticut. I want to thank you for holding this Judiciary Public Hearing. I appreciate the opportunity to testify before you, and I hope together we can pass sound legislation that will preclude injuries and deaths and preserve Connecticut lives.

I have come before this committee today to ask that you consider HB # 5553, An Act Concerning Substance Abuse, include language for mandating immediate Ignition Interlock Device installation for DUI offenders convicted for a 3rd violation, 4th arrest.

MADD strongly supports ignition interlock devices as statistics show that as many as 50-70 percent of DUI offenders continue to drive while their drivers' licenses are either suspended or revoked. Current Connecticut IID law calls for driver's license revocation for 10 years with reapplication after six years. There are approximately 4,000 repeat DUI offenders convicted in CT each year – of these, approximately 850 are 4th offenders – who will continue to drive with a suspended driver's license. MADD is extremely concerned about the number of offenders who simply drive while suspended if interlocks are not required (because they quickly discover how easy it is to drive unlicensed and undetected.) A long delay between a licensing action and ignition interlock installation teaches offenders that they do not need a license to drive and decreases their incentive to ever re-enter the licensing control system. The duration of the interlock use is another issue to be considered, it is suggested that anything less than five years for 4th offenders is recommended. MADD respectfully requests strengthening the current Connecticut IID law in the following way:

- **Require and mandate an immediate 5 year IID use for all convicted 3rd violation/4th arrest drunk drivers.**

Studies by federal agencies and independent think tanks highlight the high rate of recidivism associated with drunk driving. Interlocks have been shown to deter drinking and driving in both a specific and general sense. DUI offenders using interlocks have acknowledged the device's change in their behaviors; we should too

I look forward to answering any questions you may have. I thank you again for inviting me to appear before your committee.

PAGE 3
LINE 16

State of Connecticut

HOUSE DEMOCRATS
LEGISLATIVE OFFICE BLDG. ROOM 4100
HARTFORD, CONNECTICUT 06106

Testimony by:
Rep. Henry Genga, 10th District - East Hartford
&
Rep. Jack Thompson, 13th District – Manchester

H.B. 5553: An Act Concerning Substance Abuse Programs

March 29, 2012

Senator Coleman, Representative Fox, Honorable members of the Judiciary Committee,

For the record, we are Representatives Henry Genga, serving East Hartford, and Jack Thompson, serving Manchester.

We are here testifying in support of H.B. 5553 – An Act Concerning Substance Abuse Programs.

On January 1, 2012 the repeal of 14-227f took effect, which created a pool of individuals who never went through the mandated Multiple Offender Drunken Driving Program that is administered by the Department of Motor Vehicles. According to Commissioner Melody Currey, this number is approximately 21,000. The State cannot allow 21,000 chronic alcohol abusers who were mandated to complete this program to get a pardon. This is a major public safety issue.

14-227f of the statutes must be reinstated. Without the Multiple Offender Drunken Driving Program, Connecticut has no program designed to address this group of chronic alcohol abusers. Their behaviors must be addressed, and the best way to do so is to take part in a treatment program specifically designed to address these multi-arrests through thorough assessment, education, peer intervention, treatment and aftercare follow-up. Section 3 of H.B. 5553 will assure that we once again have a program in place, and a program that compliments the Ignition Interlock Device law that we passed in June 2011.

There is no cost to the state for this program. The DMV provides address labels of offenders to the organizations that offer the treatment program. All other costs are borne by the offenders.

We urge you to pass H.B. 5553 and rectify this situation. Thank you for your time.

Sincerely,

Henry Genga
State Representative – 10th District

Jack Thompson
State Representative – 13th District

STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
60 State Street, Wethersfield, CT 06161
http //ct gov/dmv

Testimony of Department of Motor Vehicles Commissioner Melody A. Currey
Judiciary Committee Public Hearing
March 29, 2012

HB 5553 (RAISED) AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS

Good morning Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington and members of the Judiciary Committee:

I am submitting this testimony on **H.B. 5553,** AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS. There are two areas of concern regarding this proposed legislation.

(1) Substance Abuse Treatment Program- During the 2011 session, the legislature repealed a statute that required persons with one conviction of operating under the influence (OUI) or two administrative license suspension sanctions to undergo a Substance Abuse Treatment Program (SATP). The rationale for its repeal was that these offenders were being evaluated by the Court Support Services Division (CSSD) and were required to undergo treatment if prescribed by CSSD, thereby making the SATP redundant. As a result of the repeal of SATP, the Department of Motor Vehicles (DMV) changed its requirements for license restoration of the offender, along with its notices and procedures. This legislation attempts to revive the SATP, but on a voluntary basis. It is unclear what the incentive is for voluntarily completing this program and this proposal does not address the overlap in programs administered under the direction of CSSD. It also is unclear what DMV's obligations are for persons who complete the program. Moreover, this legislation does not address the absence of express language in our statute requiring the assessment of the degree of alcohol abuse of persons with ***two*** DUI convictions, a deficiency that takes Connecticut out of compliance with the federal law for repeat DUI offenders, and threatens the transfer of funds from highway and bridge maintenance programs to safety programs. While CSSD uniformly conducts such assessments, the language reflecting this is non-existent. This is the deficiency that the legislature should be addressing.

(2) License Suspension and Ignition Interlock Device (IID) Use For Persons With Three Or More DUI Convictions. In 1999, legislation was enacted that imposed a permanent license revocation upon any person convicted of OUI for a third or subsequent time. In 2005, the legislature enacted subdivision (2) of section 14-111(k), which enabled a person with such a permanent revocation, after a period of ten years, to request a hearing at the DMV for restoration if the person met certain criteria. In 2007, the legislature changed that subdivision to allow a person to request a hearing after six years. In this proposed legislation, a person will be able to request a hearing after two years. However, it also increases the IID period to "lifetime" use of an IID after the two year suspension. For all the same reasons that a "permanent" license suspension was recognized to be unrealistic, the legislature should consider whether a "lifetime" IID is unrealistic. As Commissioner of DMV, I am proud of

the Department's efforts over the years at making our roads safer in conjunction with law enforcement and the courts through the implementation of tougher laws against individuals who operate a motor vehicle under the influence. The concern, however, is that it will only be a matter of time, perhaps a brief amount of time, before persons subject to this requirement and other interested entities will be contacting legislators and policy makers with reasons why they should not be required to use an IID for life, in the same manner as those persons did who were subject to a permanent license revocation in 1999. Circumstances are not permanent, and strong consideration should be given as to whether these requirements should be made permanent.

If the legislature intends to adopt this position, it should repeal section 14-111(k)(2) (actually renumbered as 14-111(i)(2) in Public Act 11-213) and amend the language of section 14-227a(g) to remove any reference to a "permanent" revocation. For a third or subsequent offense, section 14-227a(g)(3)(C) should simply call for a two year suspension with restoration of the license to be conditioned upon the installation and lifetime use of an IID. This makes the intention of the legislature clear, provides clarity and transparency and does not involve a hearing. The lifetime IID requirement would obviate the need for any type of intervention by DMV in the process. Furthermore, it is very likely that in a few years, DMV will be required to have hearings to evaluate whether someone with a "lifetime" IID may be a candidate to have such IID removed.

005608

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CONNECTICUT Renaissance
Helping people change the direction of their lives

March 29, 2012

Good morning, Senator Coleman and Representative Fox and members of the Judiciary Committee. My name is Joseph Riker, and I am the Executive Director of Connecticut Renaissance. I am here today to speak in favor of HB 5553, An Act Concerning Substance Abuse Programs.

Connecticut Renaissance was founded in 1967 by a group of parents to combat drug use among adolescents and in local schools. Over the years Renaissance has grown and expanded its activities to provide a wide range of behavioral health services within Connecticut. We currently provide substance abuse, mental health and related family counseling services through programs located in Bridgeport, Norwalk, Stamford and Waterbury. These services are largely provided to the State under contracts with the Department of Mental Health and Addiction Services (DMHAS), the Court Support Services Division of the Judicial Branch (CSSD), the Department of Correction (DOC) and the Department of Children and Families (DCF).

Renaissance has operated the Fairfield County Impaired Driver court diversionary program for first time DWI/DUI offenders under contract with DMHAS for well over ten years. And, until January 2012, we had provided treatment services to DWI/DUI multiple offenders under contract with the Department of Motor Vehicles (DMV) for approximately the same period of time.

Despite being a long time provider of DWI/DUI intervention services to the State, Renaissance was unaware of the development and evolution of Emergency Certified HB 6650 of the 2011 Session of the General Assembly and did not learn of its provisions until after its enactment. Our reaction to the changes incorporated into that legislation has been largely positive. We fully support the sections dealing with the procedures for individuals with multiple DWI/DUI convictions and the expanded use of ignition interlock devices within the state's overall strategy of dealing with DWI/DUI offenders.

We have two major concerns with the outcome of that legislation. The first issue is the elimination of the long standing mandatory treatment program for second offenders. We strongly believe that these offenders should be mandated into treatment, as was formerly the case, and as would be the case moving forward under the provisions of HB 5553.

We are also concerned that the elimination of the mandated treatment program has created the potential for a large pool of previously convicted multiple offenders to simply reapply for their license without receiving the treatment mandated at the time of their conviction. This situation would also be corrected by provisions of HB 5553.

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In reviewing the need for the mandated program and treatment services, we would ask that the Committee consider the following factors:

- In the large majority of cases, individuals with a first conviction have previously been arrested for DWI/DUI and processed through the Court ordered diversionary program. Despite that history and the education they received as part of that program, they have not modified their behavior. Without additional targeted interventions, they have a high risk of continuing their dangerous behavior patterns.

- While the ignition interlock device is an excellent enforcement tool, the evidence suggests that its use must be accompanied by treatment if it is to lead to long term changes in behavior. Studies have indicated that offenders revert to their previous behavior patterns following the removal of the ignition interlock device.

- Individuals with chronic DWI/DUI issues relating to their alcohol and drug use need to participate in a program that assesses and treats the individual's overall addiction and possible co-occurring issues within a context that focuses specifically on their DWI/DUI behavior patterns and ways of modifying them. This can be most effectively accomplished with treatment utilizing groups entirely consisting of individuals with DWI/DUI behavior problems and one that provides for frequent follow up over an extended period.

- The reinstitution of the user fee based mandated multiple offender treatment program would not impose any significant costs on the State.

In summary, Connecticut Renaissance strongly believes that the reinstitution of the user fee based mandatory treatment program for multiple offenders in conjunction with the expanded use of the interlock devices and the new mandatory penalties associated with individuals with multiple convictions would create an exceptionally strong approach to dealing with the potentially deadly impact of DWI/DUI activity in Connecticut.

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Paul J. Waters
519 Center St
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re: Raised Bill # 5553 "An Act Concerning Substance Abuse Programs"

Good morning Sen Coleman, Rep. Fox and members of the Judiciary Committee, My name is Paul Waters and I represent The Commonwealth Group of Manchester, CT. I am here today to speak in favor of HB 5553, An Act Concerning Substance Abuse Programs.

My testimony wholeheartedly endorses the Bill that is before you. I would like to particularly speak to the issues of Sections 3 and 4 of the Bill. As you well know, Sec. 3 will once again require a drunken driving offender with one or more convictions under 14-227a or 14-227b of the general statutes, to participate in and successfully complete a multiple offender drunken driving program, designed specifically to address this population, while being at no cost to the State. Sec. 4 speaks to the immediate reinstatement of the multiple offender drunken driving program, also known as 14-227f of the general statutes, which was repealed as of 12/31/2011. Both sections show your immediate concern for the public safety at large and we thank you for this.

My agency has been providing 14-227f (the Department of Motor Vehicles multiple offender drunken driving program) since its inception in 1995. Over the past sixteen (16) years we have worked with more than twenty thousand (20,000) multiple drunken driving offenders, and as of December 2008, the last time we were furnished statistics by the DMV, our recidivism rate was approximately seven percent (7%). I feel very comfortable stating that the other agencies that have also provided the program, CT Renaissance of Bridgeport and MCCA of Danbury, have had equal success. The bottom line to this is, what we have been providing, has been working.

With the repeal of 14-227f, the State is left with no multiple offender drunken driving program whatsoever.
This makes no sense at all given the legislatures' attempt to strengthen DWI laws through the passage of the Ignition Interlock Device law, that went into effect on Jan. 1, 2012. We agree with the IID law, however clinical literature clearly states that without a complimentary and concurrent program designed specifically to assess, intervene, educate and treat this population of multiple drunken driving offenders, once the device is removed, recidivism rates again soar upward. The literature also shows empirical evidence that programs specifically designed for the multiple offender and offered concurrently with the IID, are clearly having a positive effect on the recidivism rate and that these individuals are making positive lifestyle changes.

With the repeal of 14-227f, there remains approximately twenty one thousand (21,000) multiple offenders who never responded to the DMV notification that they must complete the program prior to having their driving privileges restored. That disturbing number came directly from Commissioner Melody Currey.
What this means, and what was confirmed by Commissioner Currey, is that as a result of the repeal of the program, the 21,000 non-respondents were to be given a "pardon" upon completing their revocation time. In other words for the price of $175, the restoration fee, these 21,000 multiple offenders, are going to be back on our streets and highways without fulfilling their original obligation to the State. They will once again be driving without any assessment of risk and need, without any treatment, without any form of education or peer intervention. This is unconscionable, yet it is NOW happening.

At a meeting I attended on January 3rd of 2012, at the CT MADD headquarters, Executive Director Janice Hegge-Margolis was informed of this repeal and of the 21,000 potential "pardons": her response in part was, "twenty one thousand potential killers".

We just cannot let twenty one thousand (21,000) potential killers get behind the wheel of a vehicle without the State's knowledge of their current behavioral health and mental health stability and if

they are capable of being responsible drivers. *The best indicator of future behavior is past behavior*: with this in mind, we must be allowed to once again address these people through a proven program, 14-227f.

Today we have no idea of what their conditions may be: most likely they are deeper into the throws of their alcohol abuse: perhaps now including hard drugs such as cocaine and heroin as well as their alcohol; maybe mixing alcohol and prescription pills. We have no idea. Yet these are the chronic alcohol abusers who have already shown a propensity to bad judgment, i.e., multiple drunken driving arrests, who are now getting a "pardon" as a result of this repeal.

So how did this happen? No one seems to know, yet there is plenty of finger pointing. What's really important is that the program, 14-227f, be restored as soon as possible to avoid catastrophic results and that a "new" multiple offender drunken driving program be mandated for all those offenders now convicted under the IID laws of 1/1/2012.
It must be emphasized that this program, 14-227f, has cost the State virtually nothing: it is totally client funded. There has not been any State funds whatsoever over all these years, used to pay for an offender's participation. This is a program that should be heralded, not repealed. Yet for some unknown reason, and without any discussion whatsoever with the providers, it was repealed. Please restore 14-227f as soon as you are able.

We believe that the program should be restored and the CT based providers, The Commonwealth Group of Manchester, whom I represent, CT Renaissance and MCCA, should have their State contracts, which were voided months in advance of their expirations due to the repeal, renewed forthwith. We strongly suggest that a window for program participation be established: *from passage of the Bill to Dec. 31, 2014.* This will allow for approximately a two and one half year window to address the 21,000 non-respondents. After that date, an extension of another six (6) months for all participants to finish and be phased out of the program. In other words, by June 30, 2015, 14-227f should have served its purpose. The hope here is that by virtue of Sec. 3 of this Bill a similar Multiple Offender Program will be in place to respond to those convicted under the new law of Jan. 1, 2012, which includes the IID.

In conclusion, I would like to mention a couple of other issues that have hit my agency particularly hard: first is that The Commonwealth Group's only business purpose is to provide a multiple offender program. We do not provide other clinical modalities or programs. As a result of the repeal, we have had to lay off twenty-two (22) full and part-time employees, most of whom are now collecting unemployment benefits. I know it's been hard on them and their families. In addition, despite our contract being unceremoniously voided, we have continued to hold up our end of the agreement and continue to provide services and phase out our clients, so that they can get their driving privileges restored as was originally ordered. We do so despite having no income whatsoever. My point being, that we take our responsibility very seriously and the services we have provided over the years could stand muster with any program of similar nature from coast to coast.

Members of the Committee, I thank you for your generous time and I implore you to please strongly consider Sec. 3 and Sec. 4 of HB 5553.

Respectively submitted,

Paul J. Waters, M.Ed.
Executive Director
The Commonwealth Group

Good morning, Senator Coleman and Representative Fox and all the members of the Judiciary Committee. My name is Michael Norton and I am the Vice President of Clinical Operations at the Midwestern Connecticut Council of Alcoholism, Inc. (MCCA). I am here today to speak to you in favor of House Bill 5553, An Act Concerning Substance Abuse Programs.

Headquartered in Danbury, CT since 1972, MCCA now provides all levels of substance abuse treatment programs, family counseling services and mental health counseling in clinics located in Danbury, New Milford, Waterbury and Torrington. MCCA has contracts with: the Court Support Services Division of the Judicial Branch to provide Adult Behavioral Health Services; the Department of Children and Families to provide Project Safe evaluations and treatment; the Federal Bureau of Prisons to provide Transitional Drug Abuse Treatment; the United States District Court Federal Probation Office to provide substance abuse treatment to federal probationers; the Department of Mental Health and Addiction Services (DMHAS) to provide the Pre-Trial Intervention Programs for first-time DWI and DUI offenders; and MCCA was also contracted with the Department of Motor Vehicles (DMV) to provide the Weekend Intervention Program for multiple DWI and DUI offenders until its repeal on December 31, 2011.

MCCA wholeheartedly endorses the legislation for mandatory installation of ignition interlock devices for multiple DWI/DUI offenders in Connecticut. The literature is clear that recidivism to DWI/DUI behavior is severely reduced while the devices are installed in offenders' vehicles. Forty-seven states now use the ignition interlock devices in varying ways with everyone indicating positive results. Our concern at the repeal of the mandatory treatment program was what would happen after the term requiring the devices expired. We reasoned that, without any treatment intervention, many offenders would resume drinking and driving behavior.

And therefore, MCCA is especially encouraged by the wisdom of re-instituting the mandated substance abuse counseling intervention for multiple offenders as proposed in Sections 3 and 4 of this Bill. As you well know, a person arrested for a second offense of DWI/DUI has most likely completed an alcohol and drug abuse education intervention. And that intervention unfortunately did not result in changed behavior around alcohol/drug use and impaired driving. This fact in and of itself indicates the need for additional and more intensive substance abuse treatment. In collaboration with DMV and the other providers, who are here today, MCCA provided a Weekend Intervention Program which proved to have a positive impact on many participants' drinking and driving behavior. The literature indicates that the use of ignition interlock devices in combination with mandatory substance abuse treatment vs. the ignition interlock device alone results in much lower recidivism rates to DWI/DUI behavior.

The other area of concern is that the mandated treatment program incorporated a two-year monitoring provision, during which time multiple offenders were required to periodically report back to treatment providers for continued assessment of their current drinking and driving behavior. This provision of the program has the potential to allow treatment providers to intervene before any additional drinking and driving arrest or worse.

In summary, on behalf of MCCA, I want to thank the Committee for its time and attention and ask that you pass all the provisions of HB 5553. The use of ignition interlock devices **in combination** with mandatory substance abuse treatment programming and continued monitoring of multiple offenders by substance abuse treatment professionals provides the citizens of the State of Connecticut with the strongest approach to dealing with the dangers of drinking and driving behavior.

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William S. (Skip) Church
(Son Dustin was killed by a drunk driver)
Testimony before the Judiciary Committee on H.B. No. 5553
28 March 2012

Thank you for the opportunity to testify concerning House Bill Number 5553, "An Act Concerning Substance Abuse Programs". My testimony concerns the suggested revision of the penalty for a third conviction of operating a motor vehicle under the influence. I've had the opportunity to meet and talk with many of you on other issues concerning drunk driving.

For those of you who don't know, a drunk driver killed my son Dustin on July 10th, 2004. He was only 18 years old. If you're a parent, you know that it's the worst possible thing that can happen. Your life will never be the same. There is always an empty chair at dinner. There is always someone missing from family gatherings. There won't be a graduation or a wedding or grand children to play with. All that was taken away by a drunk driver.

The reason I come to the Capitol is not to tell you about our tragedy. I come in hopes that no other family will have to suffer as ours has. First, I commend you for your desire to make drunk driving laws stronger in Connecticut. The law that went into effect in January, requiring those with a second offense, first conviction for DUI, to install and use an Ignition Interlock Device for 1 year, is evidence of the desire to improve the laws. In that same bill, you have made it mandatory for all convicted drunk drivers to use Ignition Interlock Devices beginning in 2014.

Installing Ignition Interlock Devices as quickly as possible is the key to reducing alcohol related deaths, injuries, destruction of property and recidivism. The people who get drunk and drive have already ignored the laws of the State. It is difficult to imagine that they would respect a mandated suspension. Studies bear that out. License suspension is not the deterrent we would like it to be.

A study for the Pacific Institute for Research and Evaluation in 2010 by Voas, Tippetts and McKnight states, *"...many feel they can avoid apprehension for unlicensed driving; the limited research to date suggests that up to 75% of convicted offenders continue to drive and up to 84% delay reinstatement for 3 or more years.*

They go on to say, *"This suggests that encouraging reinstatement but with continued controls, as some states have provided through laws*

requiring interlocks as a condition of reinstatement, may be effective if they do not motivate extended delays."

Paul Marques, a senior research scientist with the Pacific Institute for Research and Evaluation concludes this from his studies, *"Unfortunately, it seems in recent years there are many more drivers who find the benefit of driving unlicensed to be an acceptable low-risk thing to do."*

He goes on to state, *"This becomes a public danger for several reasons, not the least of which is that an unlicensed driver is usually an uninsured driver. If drivers do not feel threatened by loss of their licenses, then suspension cannot serve its intended purpose of restricting road use to those who abide by the laws."*

Whether people are law-abiding citizens or drunk drivers, they need to go to work. They need to go to the grocery store. They need to take their kids to soccer practice. After a couple of weeks of asking friends for rides, the convicted drunk driver is willing to take his chances and drive his own car. That's when it becomes dangerous for us... and often tragic.

What I'm asking you to do is reduce the suspension time, after the mandatory incarceration, from 2 years to 45 days. I'd prefer to see 15 days, but 45 days is consistent with what was passed last session. At the same time, make it mandatory for the offender to install an Ignition Interlock Device on any car they own or operate.

At first, this may sound like it's more lenient. But a punishment ignored is no punishment at all... and in many cases it's deadly. A device that prevents an engine from starting saves lives. I obtained some numbers from the Pennsylvania DUI Association from 2010 as an example of the effectiveness of Ignition Interlock Devices.

- Total number of Ignition Interlocks installed in 2010 – **5,265**
- Total number of failed tests in 2010 – **53,890**
- Total number of failed IID tests from 2003 – 2010 – **251,048**
- Total number of safe and sober miles driven by individuals with an IID for 2003 - 2010 – **274.5 million miles**

As of last night on it's website, SmartStart, one of the approved Ignition Interlock vendors in Connecticut says it has prevented 6,514,700 alcohol starts. If just one start had been prevented, my son Dustin would still be alive.

I'm sure that most of you are familiar with an Ignition Interlock Device. But I have one here and would be happy to demonstrate it or attempt to answer any questions. Thank you.

State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
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REPRESENTATIVE TOM REYNOLDS
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Testimony by Representative Tom Reynolds
Judiciary Committee Public Hearing
March 29, 2012

House Bill 5553, An Act Concerning Substance Abuse Programs

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee, I am pleased to testify in support of HB 5553, An Act Concerning Substance Abuse Programs, and specifically the provision related to ignition interlock devices (IID).

An IID is an electronic breathalyzer connected to the ignition of a vehicle that measures breath alcohol concentration and prevents a driver from starting the vehicle if the driver's blood alcohol content (BAC) exceeds a specified limit. A retest is required within randomly variable intervals while a driver is driving a vehicle to ensure that the driver's BAC remains below the maximum allowable level.

I want to begin by thanking all those who helped us last session secure passage of the most significant drunk driving legislation (P.A. 11-51) in a decade: Governor Dannel Malloy, Lt. Gov. Nancy Wyman, the co-chairs of this committee, Commissioner Melody Currey, OPM Undersecretary Michael Lawlor, Court Support Services Director William Carbone, MADD, and many legislators.

As a result of this legislation that originated in this committee, **Connecticut now requires the mandatory use of IID's for ALL repeat DUI offenders**. The IID provision in this bill proposes one change to the historic legislation to strengthen the provision related to our most chronic, repeat offenders.

Last year's legislation and this year's bill are an acknowledgement that Connecticut's public policy on DUI has largely failed. Our IID legislation acknowledges two harsh realities: **license suspensions and fines do not change the behaviors of repeat DUI offenders and three out of four offenders with suspended licenses drive anyway.** This is why states are adopting the mandatory use of IID's for repeat offenders as the most effective strategy for changing offenders' behaviors, while allowing offenders to drive to and from work.

The attached chart summarizes the IID provisions in law before and after passage of P.A. 11-51, and the change proposed in this bill. Currently, for offenders with three or more convictions (four or more arrests) the law requires license revocation. After six years, the offender may apply for reinstatement. If approved, the offender must drive with an installed IID for ten years. The bill reduces the suspension period to two years and increases the IID period to lifetime use.

This change is proposed to ensure a consistent policy across conviction levels and to further **move state policy towards shorter license suspension periods, followed by lengthy, mandatory, performance-based, IID periods.**

This year, 10,839 people will die in drunk-driving crashes—one every 50 minutes. Every 48 minutes there is a drunk driving fatality in this country. Every minute, one person is injured from an alcohol-related crash. One in three people will be involved in an alcohol-related crash in their lifetime. One in every 141 drivers in the nation has been arrested for driving under the influence. The average drunk driver has driven drunk 87 times before a first arrest.

Connecticut is among the nation's worst DUI offenders. In 2009 44% of all traffic fatalities in Connecticut were alcohol related—the second highest percentage in the entire nation and a 7% increase over 2008.

Studies have shown ignition interlocks are on average 64% effective in reducing repeat drunk driving offenses. In some jurisdictions results range from 50 to 90 percent reductions in subsequent offenses by those offenders who were assigned interlock devices, compared with those who were not.

Several studies on IID use for repeat offenders show a reduction of recidivism between 50-95 percent. **IID use in New Mexico resulted in a 38 percent reduction in alcohol-related traffic fatalities and in Arizona, a 33 percent reduction.**

It is important to remember that the offender pays the cost of the installation of the device and the monitoring service. Also, two years ago Connecticut adopted a user fee of $100 for each IID participant that will help to defray the cost of the program's expansion.

Thank you.

Ignition Interlock Device (IID) Current Law & Proposal Prepared by Rep. Tom Reynolds			
Offense/Conviction	**Law before 1/1/12**	**P.A. 11-51, effective 1/1/12**	**HB 5553, 2012 Session**
Second Offense, First Conviction	One year suspension (CGS § 14-227a (g))	*Effective 1/1/2012* 45-day suspension, followed by one year mandatory ignition interlock	
Third Offense, Second Conviction	If under 21: suspension of three years or until offender's 21st birthday, whichever is longer, followed by two years mandatory ignition interlock If 21 or older: one-year suspension, followed by two years mandatory ignition interlock (CGS § 14-227a (g))	*Effective 1/1/2012* If under 21: 45-day suspension or until offender's 21st birthday, whichever is longer, followed by three years mandatory ignition interlock If 21 or older: 45-day suspension, followed by three years mandatory ignition interlock	
Fourth Offense, Third Conviction	License revoked; offender may reapply after six years; if approved, must drive vehicle equipped with ignition interlock for 10 years from date of revocation. (CGS § 14-111 (k) (2))	*Effective 1/1/12* License revoked; offender may reapply after <u>six</u> years; if approved, must drive vehicle equipped with ignition interlock for <u>10 years</u> from date of reinstatement	*Effective 1/1/13* License revoked; offender may reapply after <u>two</u> years; if approved, must drive vehicle equipped with ignition interlock device <u>for life</u>
P.A. 11-51: Effective July 1, 2011: DMV and CSSD shall jointly develop and submit to Judiciary and Transportation Committees by 2/1/12 an implementation plan for mandatory IID for <u>all</u> offenders beginning 1/1/2014.			