



Mothers Against Drunk Driving
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May 7, 2021

Amend SB 400 relating to expungement for first-time convicted drunk drivers

The Honorable Graham Filler
Chairman, House Judiciary Committee

Dear Chairman Filler and House Judiciary Committee,

Mothers Against Drunk Driving (MADD) urges you to protect the rights of victims of drunk driving and amend SB 400, relating to expungement of certain drunk driving convictions.

In principle, MADD opposes expungement for any impaired driving conviction because the practice undermines the seriousness of the violent crime of impaired driving and reduces accountability. MADD understands the proposals are limited to non-injury related, first-time OWI offenses. **For MADD to support this legislation, we ask it to be amended so a person must show proof of six months of continuous use of an ignition interlock device and other conditions before being granted expungement or having their record set aside.**

MADD supported legislation similar to the language proposed above in 2017 in Texas with HB 3016. MADD supports the use of ignition interlocks and an amended SB 400 as these devices help ensure first-time offenders do not become repeat offenders. According to the Centers for Disease Control and Prevention (CDC), all-offender interlock laws reduce drunk driving recidivism by 67 percent.

Currently, ignition interlocks are required for all repeat offenders and first-time offenders with a blood alcohol concentration of .17 or greater. According to a 2016 Secretary of State Study of Sobriety Courts in Michigan, 97 percent of court participants ordered to install an interlock complied. Of the participants using an interlock, only 11.4 percent failed to graduate from the program—a rate nearly three times better than the number of participants not using an interlock who did not graduate. This shows that interlocks do work in Michigan.

An ignition interlock costs a person \$2.50 a day to lease from a state certified ignition interlock company, which contracts out to a state certified installation center. Current law does limit the amount that can be charged to low-income persons to a maximum of \$2.00 per day. To qualify for this reduced fee, a person's gross income for the previous tax year must be less than 150% of the current poverty guidelines of the United States Secretary of Health and Human Services.

Please amend SB 400 to ensure any person granted an expungement for a first-time OWI offense must also show proof of six months of continuous use of an ignition interlock device. Michigan must ensure that those who drive drunk are held accountable for their deadly choice. Enclosed is more information on ignition interlocks. Thank you in advance for your consideration of this request.

Sincerely,

Alex Otte
MADD National President



States that Require Ignition Interlocks for Diversion Program Participants

Drunk driving conviction rate varies to as low as 30 percent

In 2017, MADD released a Court Monitoring Report on data we collected on adjudication of drunk driving cases. We looked at 5,691 cases in 12 states and found the average conviction rate was 67 percent. Some states had conviction rates at just over 30 percent.

States that require ignition interlock use for diversion programs

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|---------------|------------|--------------|
| ✓ Alabama | ✓ Oregon | ✓ Idaho |
| ✓ Connecticut | ✓ Texas | ✓ Washington |
| ✓ Mississippi | ✓ Oklahoma | |

What is ignition interlock? Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent compared to license suspension alone. Ignition interlock is a device about the size of a cell phone that is wired into the ignition system of a vehicle. If an interlock user is drunk, the vehicle will not start or operate. Thirty-four states require the use of ignition interlock devices for all drunk drivers, including first offenders.

Over the past 13 years, interlocks have prevented 3.4 million attempts to drive drunk in USA. Imagine how many more attempts to drive drunk will be stopped by implementing a first-time offender diversion program?

Key components to include in a diversion program

- Six months continuous use of an ignition interlock
- Indigent program: A person who cannot afford the device, should have it at a reduced rate with interlock vendors paying for the device.
- With successful completion, plea of guilty to reckless driving, DUI charge is partially sealed. A subsequent DUI offense would count as a second offense.
- Fines, court costs, supervision fees.
- Victim Impact Panel
- Defendants causing injury, damage or with children in vehicle, or having prior similar offense, no driver's license, prior prison sentences, or accompanying felony or drug charges are ineligible to participate.
- The court, prosecutor or other oversight agency has the authority to not allow a person to enter into a diversion agreement.

For more information, please contact MADD Director of State Government Affairs Frank Harris at frank.harris@madd.org or 202.688.1194.



Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.



All-offender ignition interlock laws stop drunk drivers with a blood alcohol concentration (BAC) .08 or greater from reoffending.

The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Thirty-four states plus DC have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of December 2017, there are approximately 349,030 interlocks in use in the United States.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

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|------------------------------------|------------------------------|----------------------------------|
| ✓ West Virginia: 60 percent | ✓ Vermont: 40 percent | ✓ Oklahoma: 29 percent |
| ✓ Louisiana: 41 percent | ✓ Arizona: 34 percent | ✓ Arkansas: 25 percent |
| ✓ Delaware: 40 percent | ✓ Kansas: 32 percent | ✓ Mississippi: 19 percent |

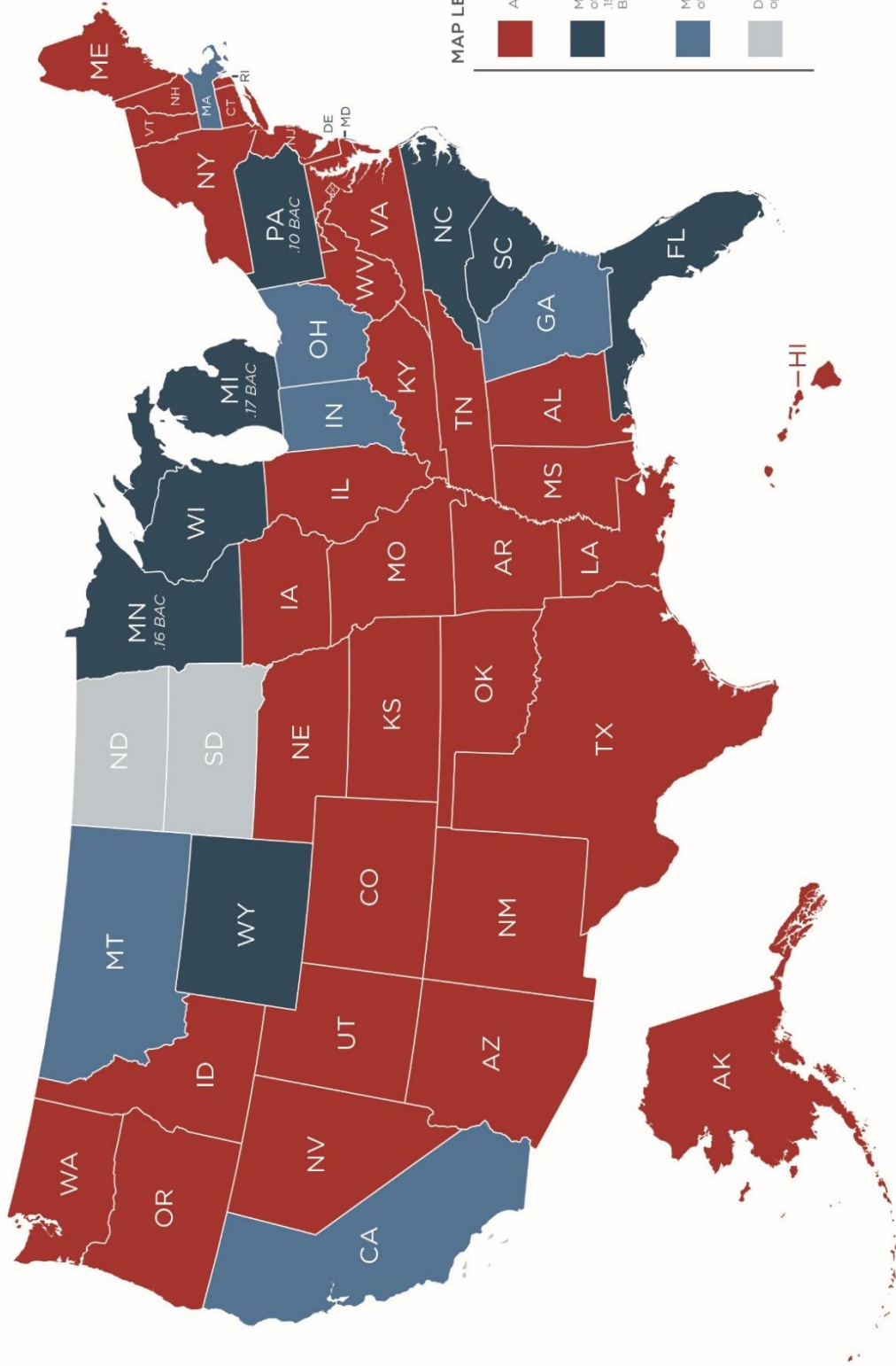
Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

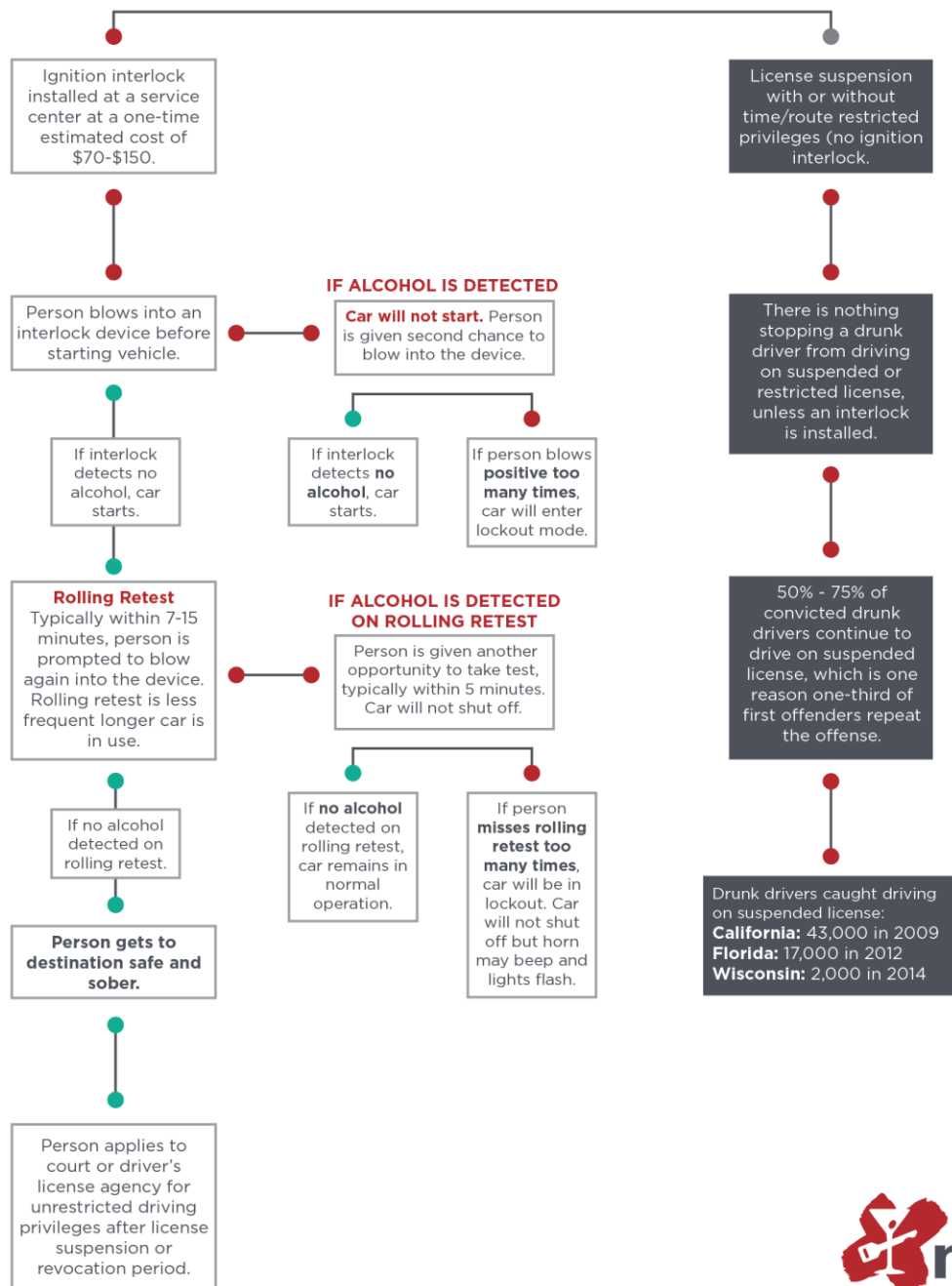
In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers, including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.

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| ○ Advocates for Auto and Highway Safety | ○ Insurance Institute for Highway Safety (IIHS) |
| ○ American Automobile Association (AAA) | ○ International Association of Chiefs of Police (IACP) |
| ○ Auto Alliance | ○ National Safety Council |
| ○ Centers for Disease Control and Prevention (CDC) | ○ National Transportation Safety Board (NTSB) |

Status of Ignition Interlock Laws



Ignition Interlock vs. License Suspension After DUI



People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.



Studies on the Effectiveness of Ignition Interlocks

Teoh et al, Insurance Institute for Highway Safety, “State Ignition Interlock Laws and Fatal Crashes,” March 2018.

- The number of impaired driving crashes falls 16 percent when states enact all-offender ignition interlock laws.
- If all states mandated interlocks for all DUI offenders, more than 500 of those deaths would have been avoided.

McGinty, Emma E. American Journal of Preventative Medicine, “Ignition Interlock Laws: Effects on Fatal Motor Vehicle Crashes, 1982–2013,” January, 2017

- Ignition interlock laws reduce alcohol-involved fatal crashes. Increasing the spread of interlock laws that are mandatory for all offenders would have significant public health benefit.
- Laws requiring interlocks for all drunk driving offenders with a blood alcohol concentration (BAC) of .08 or greater were associated with a seven percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for first-time offenders with a BAC of .15 or greater were associated with an eight percent decrease in the rate of drunk driving fatal crashes.
- Laws requiring interlocks for segments of high-risk drunk driving offenders, such as repeat offenders, may reduce alcohol-involved fatal crashes after 2 years of implementation.

California DMV Study of Four-County Ignition Interlock Pilot Program, June 2016

- Ignition interlocks are **74% more effective in reducing DUI recidivism** than license suspension alone for first offenders during first 182 days after conviction.
- **Interlocks are 45% more effective** in preventing a repeat DUI incidence when compared to license suspension alone during days 183 to 365 after conviction. (Many first-time offenders have the device removed after 182 days of use.)
- Ignition interlocks are **70% more effective than license suspension** alone in preventing repeat offenses for second-time offenders, compared to license suspension alone, for the first 364 days of use.
- Interlocks are **58% more effective in preventing a repeat DUI incidence during days 365 to 730** days of use for second-time offenders.
- **Third-time offenders who only had a suspended license were 3.4 times more likely to have a fourth DUI** conviction or incidence compared to the interlocked offender group.
- Because interlocked offenders are able to be part of society and provide for their family by driving to work, grocery stores, restaurants and anywhere else, their crash risk is most likely similar to the general driving population in California, but higher than offenders whose licenses were suspended or revoked and not permitted to drive.

Kaufman, University of Pennsylvania, “Impact of State Ignition Interlock Laws on Alcohol-Involved Crash Deaths in the United States,” March 2016

- DUI **deaths decreased by 15%** in states that enacted all-offender interlock laws.
- States with mandatory interlock laws saw a **0.8 decrease in deaths for every 100,000 people** each year – which is comparable to lives shown to have been saved from mandatory airbag laws (0.9 lives saved per 100,000 people).