

New State Law Ensures First-Time Drunken Drivers Don't Get A Second Chance



Gov. Dannel P. Malloy gives his ceremonial signature to a bill requiring ignition interlock devices for those convicted of drunk driving Monday in Fairfield.

(Matthew Clarida / Hartford Courant)

By Jaclyn Diaz The Bulletin of Norwich

New state law ensures first-time drunken drivers face penalties as harsh as repeat offenders

NORWICH (AP) — On March 9, 2012 Benjamin DeMond, a Norwich firefighter, died at 33 from an accident caused by a drunken driver.

Authorities said 50-year-old Willis Goodale of Groton was trying to cut across Interstate 395 in Montville to use an emergency vehicle turnaround after leaving a service station. He collided with DeMond's car that was also carrying DeMond's two children, Alexander, 6, and Nicholas, 4, who were seriously injured.

At the time of the accident Goodale's blood alcohol level was 0.25, three times the legal limit of 0.08.

Between 2003 and 2012 deaths related to drunken driving in Connecticut reached 1,039. Nationwide, 10,076 people were killed in alcohol-impaired driving crashes in 2013, according to the Centers for Disease Control and Prevention.

On July 1, Connecticut enacted a law that attempts to curb drunken driving and gives no second chances for first-time offenders.

The new state law requires all DUI offenders to install an ignition interlock device in their car. In 2012, Connecticut mandated only repeat offenders to install the device.

Connecticut joins 24 other states with the device for first time offenders.

All 50 states have some form of the ignition interlock device for DUI offenders. The handheld device is no bigger than a television remote and sits in the front of the car. The wires of the device are connected to the car's electrical system, installed inside the dashboard and connected to the engine.

"If you are convicted of a DUI when you get into any car you own or operate there has to be that device. You'll turn the key to accessories and that will turn the device on," Skip Church, the policy liaison for Mothers Against Drunk Driving said.

But the car won't start if the operator's blood alcohol content level is higher than .025. The legal limit for Connecticut is 0.08.

Church, along with other legislators with MADD, had worked for the past five years to get the law passed in Connecticut.

Church and his wife, Colleen Sheehey-Church, became involved with MADD after their 18-year-old son, Dustin was killed by a drunken driver in 2004.

Previously, anyone in Connecticut convicted of a DUI would receive a lengthy license suspension that could last nine months to three years. Now, drivers found in violation of drunken driving laws have their licenses suspended for 45 days and, once the suspension ends, they are mandated to install the device in their cars.

First-time offenders would have the device for six months. The cost of installing the device, which can reach \$1,000, falls completely on the offenders.

There are more than 300,000 interlocks now in use across the United States.

Church deems the law a win across the board.

"For those of us that don't drink and drive and are just trying to live our lives, we're a lot safer when we go out into the road. For the state it's a win because it doesn't cost them anything. But it's also a win for the offenders because they can continue their life and drive to work, drive to school...rather than being submitted to a lengthy suspension that should keep them from driving," Church said.

Jonathan Sills of Tomeo, Sills, LLC, a law firm with offices in Norwich and New London, deals with DUI cases regularly. He said the law will unfairly punish first-time offenders.

Sills said the firm deals with close to 400 DUI cases a year, and 50 percent of those are first-time offenders.

"Most of them never have been arrested before," he said.

Church and MADD reject the idea of a first-time mistake.

"When someone says it's their first time driving drunk, that's not true," Church said. "It's just the first time they've been arrested."

Frank Harris, the director of state government affairs with MADD, said previous laws were too lenient. Jail time and suspended licenses did not result in a real change.

"Up to 75 percent of people will drive with a suspended license," Harris said. "The only thing jail does is it stops people from drinking for a time and sentences are not always mandatory.

"Jail time is also really the taxpayer's burden," he added.

Sills argues the law does not focus enough on education and rehabilitating offenders.

"Prior to this law, Connecticut laws were always set up so that first time offenders that may have made one mistake can be educated and rehabilitated," Sills said.

Sills said the law makes it appear those first-time offenders have a drinking problem.

"A 60-year-old leaving their Christmas office party who gets pulled over for having one beer over the limit and never had a brush with the law previously now has to put this device in their car. It becomes a symbol of having a drinking issue," Sills said.

Sills said DUI rates have gone down without the law.

According to the state police, DUI arrests have declined over the years. There were 3,372 DUI arrests made in 2010. In 2014, there were 2,812 arrests.

Sills maintains the law is "overkill."

"First-time offenders are hurt the most," he said. "With the previous law they could be rehabilitated, educated and will likely never do this again. The law is too severe for a first-time offense."

According to the Centers for Disease Control and Prevention, the device reduces repeat offenses by 70 percent. In other states with the ignition interlock device there has been a reported decline in drunken driving-related fatalities.

New Mexico, the first state that enacted the device as law in 2006, has seen a 40 percent decrease in drunken driving cases. Arizona saw the biggest decrease since the law was enacted, with a 45 percent decline in alcohol-related driving deaths.

Harris said MADD aims to get the laws enacted for all offenders nationwide.

"More and more states are looking at this," Harris said. "This is the primary legislation for MADD and there's active legislation happening in other states."

In June, Texas became the 25th state with an ignition interlock law. In 2013, according to the National Highway Traffic Safety Administration, Texas had the highest drunken-driving related fatalities, with 3,382 deaths.

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