



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF CHIEF STATE'S ATTORNEY CHRISTOPHER L. MORANO

IN SUPPORT OF:

**S.B. No. 599 (RAISED) AN ACT CONCERNING THE OPERATION OF SNOWMOBILES,
ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES
WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG**

PRESENTED BY:
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GEOGRAPHICAL AREA NUMBER 19 -- BANTAM

JOINT COMMITTEE ON JUDICIARY
MARCH 17, 2006

The Division of Criminal Justice supports S.B. No. 599, An Act Concerning the Operation of Snowmobiles, All-Terrain Vehicles and Other Motor Vehicles While Under the Influence of Intoxicating Liquor or Any Drug. This bill would declare that driving under the influence of alcohol or drugs is not permitted - period. Further, it would expand existing law prohibiting the operation of a snowmobile or all-terrain vehicle while under the influence of alcohol or drugs.

This legislation would address longstanding problems that have arisen in our efforts to enforce DWI laws. Specific cases have arisen with regard to certain roads that are considered private but are open to public motor vehicle traffic. As Section 14-227a is now written, we have encountered difficulty with charging DWI if the motorist was driving on a private campground road, roads through certain condominium complexes and the access roads that connect parking areas at shopping malls.

S.B. No. 599 would not only correct that problem, but it would go farther by stating that it is against the law to operate any motor vehicle - including a snowmobile or all-terrain vehicle - anywhere in the State of Connecticut while under the influence of alcohol or drugs. That is a strong statement, indeed, and one which the Division of Criminal Justice endorses. Why should someone who gets drunk watching a Little League game and then careens onto the field be exempt from prosecution for DUI?

The most frequent criticism of our drunken driving laws is that they contain too many loopholes - and that every time the law is rewritten to close one loophole, it seems to just open another. The Division of Criminal Justice believes this bill would go a long

way to closing any possible loopholes because, again, it states that driving under the influence is not permitted anywhere - period.

It would appear that this blanket restriction against driving under the influence is consistent with the direction in which the courts are heading. The Appellate Court, in *State v. Hackett*, 72 Conn. App. 127, 132 (2002), held that while an operator's license is not required to drive on private property, an operator whose license is under suspension can be charged with driving while under suspension while operating on private property. If driving under suspension on private property is against law, driving under the influence certainly should be as well.

Finally, the bill clarifies and expands the law concerning operating a snowmobile or all-terrain vehicle while under the influence of alcohol or drugs. The justification for this change is obvious. Operating either of these types of vehicles - and that is what they are, motorized vehicles - carries with it an inherent degree of danger. To do so while under the influence is extremely dangerous, and, very possibly deadly. This is clearly a question of public safety that can be easily answered by the passage of this bill.

S.B. No. 599 is consistent with the spirit of the law and the case law. It is common sense and good public policy. The Division of Criminal Justice respectfully requests the Committee's Joint Favorable Report.