



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

OFFICE OF THE CHIEF STATE'S ATTORNEY
300 CORPORATE PLACE
ROCKY HILL, CONNECTICUT 06067
(860) 258-5800

Testimony of the Division of Criminal Justice

In Support of:

S.B. No. 1237 (RAISED) AN ACT CONCERNING THE PENALTY FOR EVASION OF RESPONSIBILITY IN THE OPERATION OF A MOTOR VEHICLE WITH RESPECT TO AN ACCIDENT THAT CAUSES PHYSICAL INJURY.

S.B. No. 1348 (RAISED) AN ACT STRENGTHENING DRUNK DRIVING ENFORCEMENT.

S.B. No. 1433 (RAISED) AN ACT CONCERNING ALCOHOL EDUCATION AND TREATMENT FOR PERSONS ARRESTED FOR DRUNKIN DRIVING.

S.B. No. 6822 (COMM) AN ACT CONCERNING THE INSTALLATION OF IGNITION INTERLOCK DEVICES. (JUD)

Joint Committee on Judiciary – April 2, 2007

The Division of Criminal Justice would like to thank the former Lieutenant Governor for the time and attention he devoted to this important issue and commends him for his substantive contributions to the debate about how the safety of our roads can be improved. The Division would like to offer the following specific comments on the bills proposed:

S.B. 1237

- The Division supports enhanced penalties for those individuals who cause physical injury to others in motor vehicle accidents and then fail to stop and render assistance to the injured persons, report the injuries to the police, or give his or her identifying information. To eliminate the potentially destructive act of leaving the scene of a crash when physical injuries are incurred, personal consequences must

increase so that evading will not be a viable option for those operators trying to avoid responsibility.

S.B. 1433

- The Division supports the imposition of a requirement that a person who is given the benefit of the Alcohol Education Program attend monthly follow-up sessions after completion of the Alcohol Education Program.
- The Division does not support and is opposed to allowing persons with CDL licenses to participate in the Alcohol Education Program. CDL licenses are granted pursuant to the rules and regulations of the Federal Motor Carrier Act and those that hold such licenses must meet a higher level of training and exhibit a greater degree of responsibility. To permit a person who holds a CDL license to take the program and possibly avoid a record for DUI runs the risk that that some employer will hire that person to operate a commercial vehicle without knowledge of the danger the individual presents. If their profession depends upon their record, commercial operators need to be vigilant always.

S.B. 1348

- The Division supports the reduction of the statutorily required time between the two post-arrest tests for blood alcohol content from 30 minutes to 10 minutes. We are assured by the Connecticut State Police Toxicology Laboratory's Chief Toxicologist, Dr. Robert Powers, that a 10-minute interval between tests is as scientifically valid and reliable as a longer time period. This change will result in less time needed for processing a DUI arrest and will allow the officer to return to the road more quickly.
- The Division supports the provision that would permit the Court to admit, as reliable evidence, the results of a chemical analysis of the defendant's blood, breath, or urine so long as there is substantial compliance with the technical requirements of the DUI statute. This will permit relevant, reliable evidence to be brought before the Court in a timely, appropriate manner.
- The Division also supports the elimination of the 10-year look back period which enables someone who has had the opportunity to take advantage of the pretrial diversionary alcohol education program more than ten years ago to take advantage of the program a second time. Successful completion of the program, originally designed as an educational wake-up call for first time offenders, results in a dismissal of charges. To permit a person this opportunity again is not consistent with the Legislature's original intent to provide one learning experience without a conviction. It is important to emphasize that Connecticut is the ONLY state which does not require a plea of guilty to enter this program.

S.B. 6822

The Division does not support this proposal which would reduce the period of suspension for a person convicted of a second offense of DUI from three years to one and allow the person to operate a motor vehicle provided it is equipped with an interlock ignition device. The Division believes that the effectiveness of interlock ignition devices has yet to be fully studied and believes that keeping the current period of suspension is a more appropriate means of keeping our roads safe.