Mothers Against Drunk Driving
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Testimony of Janice Heggie Margolis, Executive Director
Mothers Against Drunk Driving CT
Before the Judiciary Committee
March 20, 2015
On Proposed Bill No. 7025
An Act Concerning the Operation of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug, and While A Child Is In the Motor Vehicle"

Thank you Chairman Eric Coleman, Chairman William Tong and members of the Judiciary Committee for the opportunity to testify in support of a tough Child Endangerment Law for Connecticut.

Mothers Against Drunk Driving believes this Committee should support a revision of the Risk of Injury to a Minor law currently in place. We respectfully request that it be named a Child Endangerment Law and that it be inserted into the current DUI Statute under section 14-227a. **Every child deserves a sober designated driver.**

Driving drunk with a child passenger in a vehicle is a form of child abuse. For those who are convicted of driving drunk with a child passenger in a vehicle or for injuring or killing a child passenger in a vehicle, it is time for the punishment to fit the crime.

The DUI child endangerment penalties in Connecticut for offenders driving while intoxicated (.08 Blood Alcohol Content (BAC) or more) or impaired by drugs while a child of younger than 16 years old is in the vehicle:

- 1st arrest be requires an Ignition Interlock Device (IID) for 1 year.
- 2nd arrest requires an Ignition Interlock Device (IID) IID for 2 years.
- 1st convictions for DUI Child Endangerment imprisonment up to 1 year with a fine up to $2,000.
- 2nd conviction for DUI Child Endangerment imprisonment up to 5 years with a fine up to $5,000.

- Drivers who drive while intoxicated or impaired by drugs and cause the death of a child younger than 16 in the car may be charged with a Class B felony, punishable by up to 20 years in prison.
- Drivers who drive while intoxicated or impaired by drugs and cause serious physical injury to a child in the vehicle may be charged with the Class C felony, punishable by up to 10 years in prison.
- Individuals who are a parent, guardian, custodian or otherwise legally responsible for a child who are charged with driving while impaired by alcohol or drugs while that child is a passenger in the car would be reported to the CT Department of Children and Families.

In conclusion, MADD respectfully requests that the Judiciary Committee take a hard look at the current Risk of Injury to a Minor law and revise it to include Child Endangerment language under the current DUI statue 14-227a.

Thank you.

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Motor vehicle crashes are the leading cause of death for ages 3 to 14.1

In 2009, 14 percent of the children age 14 and younger who were killed in motor vehicle crashes were killed in alcohol-impaired crashes.2 Of the 181 children 0 to 14 years old who were killed in alcohol-impaired driving crashes during 2009, 92 (51 percent) of those killed were passengers in vehicles with drivers had a BAC level of .08 or higher.3

A child in a vehicle with a drinking driver is not only at risk from the impaired driver, but also from the lack of safety restraint use (like a seat belt or child safety seat), as drinking drivers are much less likely to make sure a child is properly restrained. Specifically, in fatal crashes, sober drivers had restrained their children 30.5 percent of the time, compared with only 18 percent for drinking drivers.4

MADD believes that driving under the influence of alcohol or other drugs is criminal and irresponsible. Having a child in the car elevates this criminal act to child abuse.

Black's Law Dictionary defines child abuse as:

When a child's parent or custodian, by reason of cruelty, mental incapacity, immorality or depravity, is unfit to properly care for him or her, or neglects or refuses to provide necessary physical, affectional, medical, surgical or institutional care for him or her or is under such improper care or control as to endanger his or her morals or health.

Clearly, driving under the influence with a child in the vehicle – child endangerment – is "improper care... so as to endanger his or her morals or health" and thus constitutes child abuse.

Thus, additional sanctions should be placed on those who drive under the influence with a child in the vehicle – regular sanctions and treatment are not enough.

41 states and the District of Columbia have laws enhancing penalties for those who drive drunk with a child passenger in a vehicle. The laws vary widely in severity and definition of a child passenger. For example in New York it is a felony to drive drunk with a child passenger under the age of 16. Whereas in Wisconsin, the same offense is a misdemeanor.

1 National Highway Traffic Safety Administration. "Traffic Safety Facts 2008: Children." DOT 811 157. Washington

DC: National Highway Traffic Safety Administration, 2009. www-nrd.nhtsa.dot.gov/pubs/811157.pdf

2 National Highway Traffic Safety Administration. "Traffic Safety Facts 2009: Alcohol." DOT 811 385. Washington

DC: National Highway Traffic Safety Administration, 2010.
3 National Highway Traffic Safety Administration. "Traffic Safety Facts 2009: Alcohol." DOT 811 385. Washington

DC: National Highway Traffic Safety Administration, 2010.

4 Quinlan, Kyran, et al. "Characteristics of Child Passenger Deaths and Injuries Involving Drinking Drivers." Journal of the
American Medical Association 283 (17) (2000):2249-52. http://jama.ama-assn.org/cgi/content/abstract/283/17/2249

NEWS RELEASE

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Twenty Percent of Child Passenger Deaths Due to Drunk Driving Crashes

MADD Reminds Parents that Drunk Driving is a Crime

Washington, D.C. – In recognition of Child Passenger Safety Week (September 15 – 21, 2013), Mothers Against Drunk Driving (MADD) is urging lawmakers to enact legislation to protect our most vulnerable population, children. In 2011, 226 child (under age 15) passengers were killed in drunk driving crashes, representing 20 percent of all child traffic fatalities, of which more than half (54 percent) were passengers in a vehicle with the drunk driver.

"Child endangerment has reached a crisis level in our nation," said Jan Withers, MADD National President. "Annually, MADD receives more than 17,000 phone calls related to child endangerment. Drunk driving with a child passenger is a form of child abuse and no child should ever be put in that kind of danger, especially by those entrusted to keep them safe," Withers continued.

"Drinking and driving never mix, and it can be especially tragic when there is a child in the car. Children deserve a safe ride, in a safe seat, with a safe – and sober– driver. We appreciate the work of MADD in its effort to keep all of us safe, especially kids," said Kate Carr, Safe Kids Worldwide President and CEO.

Today, 44 states and the District of Columbia have enacted child endangerment laws or statutes that allow for additional penalties for a drunk driving conviction with a child passenger in the vehicle. These laws vary widely in severity and definition of a child passenger. Among state laws, MADD recognizes New York's child endangerment law – Leandra's Law – as the most comprehensive legislation in the nation to protect our children. The law makes driving drunk with a child passenger under the age of 16 a felony. Leandra's Law is named after 11-year-old Leandra Rosado, who was tragically killed when an SUV she was traveling in with seven other children crashed in New York City. The adult driver, who had a BAC of .132, was the mother of one of the other passengers.

"Exposing a child to unreasonable risk or placing a child in imminent risk of death or serious injury is a punishable offense. These statistics are alarming and represent the need for legislation to protect our children," said Withers.

MADD has prepared resources regarding state drunk driving and child endangerment laws that can be found on the MADD website at www.madd.org/drunk-driving/state-stats. Additionally, there are tools and information on madd.org for individuals who know of someone who may be driving drunk with a child in the car. MADD also has a 24-hour Help Line at 877-MADD-HELP to provide callers will information and support at no charge.

About Mothers Against Drunk Driving
Founded by a mother whose daughter was killed by a drunk driver, Mothers Against Drunk Driving® (MADD) is the nation's largest nonprofit working to protect families from drunk driving and underage drinking. With the help of those who want a safer future, MADD's Campaign to Eliminate Drunk Driving® will end this danger on America's roads. PowerTalk 21® is the national day for parents to talk with their kids about alcohol, using the proven strategies of Power of Parents® to reduce the risk of underage drinking. And as one of the largest victim services organizations in the U.S., MADD also supports drunk and drugged driving victims and survivors at no charge, serving one person every eight minutes through local MADD victim advocates and at 1-877-MADD-HELP. Learn more at www.madd.org or by calling 1-877-ASK-MADD.

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