

2020 Mid-Year

# LEGISLATIVE REPORT



**RESPONSIBILITY.ORG**

# 2020 MID-YEAR LEGISLATIVE REPORT

**The first half of 2020 has proven to be a year like no other as legislatures and Congress adjourned when COVID-19 descended on the nation and the world.**

Like so many other people, we have been working under stay at home orders, mastering the technicalities of Zoom and Microsoft Teams, and hosting live webinars to launch programs in lieu of press events and conferences. These are stressful, anxious and sad times. The Responsibility.org staff has pivoted to online support by sharing educational [resources](#) and mental health [resources](#) to manage stress during these unprecedented months.

One outcome from the Stay at Home and Safer at Home measures has been the decrease in road travel, but speeding and impaired driving has increased among the people still driving. As states open again and drivers return to the roads, Responsibility.org urges motorists to focus on four simple safety moves to save lives and lessen the burden on our nation's first responders: Observe speed limits, drive unimpaired and undistracted and wear a seat belt.

From a government relations perspective, much of the impaired driving and underage drinking prevention legislation stalled as legislatures moved their focus to budgets and COVID-19 responses. Despite the truncated sessions, legislation was enacted. Below is a summary of new state laws and their effective dates.

| State | Bill    | Primary Sponsor(s)  | Focus  | Bill Summary  | Effective date                           |
|-------|---------|---|--|---|--|
| DE    | HB 152  | Jeff Spiegelman <br>Ernie Lopez <br>Trey Paradee <br>Larry Mitchell   | <ul style="list-style-type: none"> <li>• Ignition Interlock enhancements</li> </ul>            | This bill closed a loophole that allowed a person to avoid installing an IID. It also clarifies the process in which a license is reinstated if the person has been disqualified from the IID program.  | Signed 02/25/20<br>Effective 02/25/20    |
| IN    | HB 1157 | Mac McNamara <br>Steve Bartels <br>Aaron Freeman <br>Robin Shackelford <br>Karen Tallian <br>Ryan Hatfield  | <ul style="list-style-type: none"> <li>• Ignition Interlock</li> <li>• Test Refusal</li> </ul> | If an individual has refused a chemical test, the court may grant driving privileges if <ol style="list-style-type: none"> <li>1) they have not previously refused a chemical test</li> <li>2) they install an ignition interlock device</li> <li>3) the court believes awarding privileges is in the interest of justice.</li> </ol> | Signed 03/18/20<br>Effective 03/30/20    |
| IN    | HB 1224 | Mike Crider <br>Jim Merritt <br>Mac McNamara   | <ul style="list-style-type: none"> <li>• Ignition Interlock</li> </ul>                         | This bill designates the Indiana Criminal Justice Institute receive reports on ignition interlock devices instead of the Governor's Council on Impaired and Dangerous Driving.  | Signed 03/11/20<br>Effective 03/30/20    |
| LA    | SB 352  | Cameron Henry    | <ul style="list-style-type: none"> <li>• Assessment</li> </ul>                                 | Authorizes judges to order standardized, DSM-V, evidence-based, assessments for repeat DWI offenders (must be conducted by a physician to identify alcohol/drug dependence) to facilitate greater use of medication-assisted treatment among the DWI population.  | Signed 06/04/20<br>Effective 08/01/20    |
| MI    | SB 718  | Peter MacGregor    | <ul style="list-style-type: none"> <li>• Oral Fluid Testing</li> </ul>                         | Allows roadside drug testing for controlled substances for Michigan's ongoing pilot program in 83 counties.   | Signed 06/12/20<br>Effective immediately |

|    |         |  |                  |   |  |  |
|----|---------|--|------------------|---|--|--|
| NY | A 9508  | Joint General Budget Conference Committee                        |                  | • e-scooters DUI  | Criminal penalties can be given out to those under the influence of alcohol or drugs while operating an electric bike or scooter.  | Signed 04/03/20<br>Effective 07/01/20            |
| OK | HB 2877 | Mike Sanders<br>Lonnie Paxton                                    | Ⓡ<br>Ⓡ           | • Victim Impact Panel   | This bill establishes a victim impact panel that will be attended by those who have been found to be driving under the influence of alcohol or any other substance. Individuals attending the victim impact panel will be required to pay \$75.  | Signed 05/19/20<br>Effective 05/22/20            |
| UT | HB 139  | Steve Eliason<br>Curt Bramble                                    | Ⓡ<br>Ⓡ           | • Test Refusal  | This bill criminalizes an individual's refusal to submit to a chemical test in certain circumstances if they are thought to have been driving under the influence.   | Signed 03/28/20<br>Effective 07/01/20            |
| UT | HB 159  | Mike McKell<br>Curt Bramble                                      | Ⓡ<br>Ⓡ           | • Insurance Coverage Revisions                                      | If an individual has been found to have been operating a vehicle while under the influence of alcohol or drugs, they may have limited insurance coverage limits.   | Signed 03/28/20<br>Effective 07/01/20            |
| UT | HB 184  | Marc Roberts<br>Deidre Henderson                                 | Ⓡ<br>Ⓡ           | • Golf Carts on Highways  | Prohibits the use of alcohol while driving a golf cart on a highway  | Signed 03/24/20<br>No current effective date set |
| UT | HB 206  | Todd Weiler<br>Karianne Lisonbee<br>Stephanie Pitcher            | Ⓡ<br>Ⓡ<br>ⓓ      | • Pre-trial Release<br>• Bond Conditions                            | An individual may be arrested if a peace officer has reasonable cause to believe they are driving under the influence of alcohol or drugs.   | Signed 03/28/20<br>Effective 10/01/20            |
| UT | HB 399  | Timothy Hawkes<br>Jerry Stevenson                                | Ⓡ<br>Ⓡ           | • Alcohol Amendments  | When arresting an individual for driving under the influence, the arresting officer must ask where the alcohol was obtained and put it in the arrest record.   | Signed 03/28/20<br>No current effective date set |
| VA | SB 282  | Creigh Deeds   | ⓓ                | • Ignition Interlock<br>• First offense driving under the influence | Allows a court with proper jurisdiction to prohibit a driving under the influence offender from operating a motor vehicle that is not equipped with an ignition interlock after a first offense of driving under the influence of drugs.   | Signed 03/31/20<br>Effective 07/01/20            |
| VA | SB 439  | Scott Surovell   | ⓓ                | • DUI<br>• Remote Alcohol Monitoring                                | On the first DUI conviction for adults, if the BAC is under 0.15 then the only restriction on the offender's license is the requirement of an ignition interlock for one year.   | Signed 04/09/20<br>Effective 07/01/21            |
| VA | SB 798  | Joe Morrissey<br>Jeff Bourne<br>Patrick Hope<br>Ibraheem Samirah | ⓓ<br>ⓓ<br>ⓓ<br>ⓓ | • Driving after forfeiture of license                               | Clarifies the penalties for driving with a suspended license if found guilty of driving<br><b>1)</b> after the driver's license has been revoked<br><b>2)</b> in violation of the terms of a restricted license<br><b>3)</b> without an interlock when one is required Or<br><b>4)</b> if an individual's license has been suspended or revoked for due to driving under the influence with a BAC of 0.02 or more. | Signed 04/09/20<br>Effective 07/01/20            |

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|----|---------|--|--|---|---|---------------------------------------|
| VA | SB 818  | Joe Morrissey<br>Jennifer Boysko<br>Monty Mason<br>Patrick Hope<br>Ibraheem Samirah  | <ul style="list-style-type: none"> <li><span style="color: blue;">D</span></li> </ul>  | <ul style="list-style-type: none"> <li>• Mental Health</li> <li>• Treatment Courts</li> </ul>                       | Establishes a behavioral health court that offers judicial monitoring of intensive treatment and supervision for offenders who may have mental illnesses and co-occurring substance abuse issues. Also establishes an advisory committee for localities that plan to set up such a court. | Signed 04/10/20<br>Effective 07/01/20 |
| VA | HB 34   | Joe Lindsey  | <span style="color: blue;">D</span>  | <ul style="list-style-type: none"> <li>• Ignition Interlock</li> <li>• Test Refusal</li> <li>• Treatment</li> </ul> | Allows an individual convicted of a first offense of a refusal to have samples of breath taken for tests to determine the BAC of the individual to petition court 30 days after a conviction for a restricted driver's license.   | Signed 03/12/20<br>Effective 07/01/20 |
| VA | HB 663  | Mike Mullin  | <span style="color: blue;">D</span>  | <ul style="list-style-type: none"> <li>• Ignition Interlock</li> </ul>  | Specifies the venue for the prosecution of circumvention of an operation of an ignition interlock.  | Signed 03/04/20<br>Effective 07/10/20 |
| WA | HB 1504 | Brad Klippert  | <span style="color: red;">R</span>   | <ul style="list-style-type: none"> <li>• Enhanced penalties</li> <li>• IID enhancement</li> </ul>                   | If an individual is found to have been driving under the influence with one or more passengers who are under the age of 16, an ignition interlock will be required for 12 additional months.  | Signed 04/03/20<br>Effective 06/11/20 |
| WA | HB 2483 | Luanne Van Werven  | <span style="color: red;">R</span>   | <ul style="list-style-type: none"> <li>• Vehicle Impoundment</li> </ul>   | Clarifies impoundment of a vehicle following an arrest of driving under the influence of alcohol or drugs.  | Signed 03/25/20<br>Effective 06/11/20 |
| WI | AB 222  | John Spiros  | <span style="color: red;">R</span>   | <ul style="list-style-type: none"> <li>• Enhanced Penalties</li> </ul>  | Allows the cancellation or suspension of operating privileges if found to be driving while intoxicated.   | Signed 02/28/20<br>Effective 02/29/20 |
| WI | SB 6    | Alberta Darling<br>Kathy Bernier<br>Dave Craig<br>Dale Kooyenga<br>Howard Marklein<br>Steve Nass<br>Lena Taylor<br>Tim Carpenter | <ul style="list-style-type: none"> <li><span style="color: red;">R</span></li> <li><span style="color: blue;">D</span></li> <li><span style="color: blue;">D</span></li> </ul> | <ul style="list-style-type: none"> <li>• Repeat Offender</li> </ul>   | Establishes a mandatory minimum period in prison for fifth and sixth offenses if driving under the influence.   | Signed 02/28/20<br>Effective 02/29/20 |
| WV | SB 765  | Ryan Weld  | <span style="color: red;">R</span>   | <ul style="list-style-type: none"> <li>• Habitual Offender</li> </ul>   | Any individual who is convicted of driving under the influence and causes death shall be imprisoned in a state correctional facility for a life sentence if any prior convictions are under the same circumstance.  | Signed 03/25/20<br>Effective 06/05/20 |
| WV | SB 848  | Mike Azinger   | <span style="color: red;">R</span>   | <ul style="list-style-type: none"> <li>• DUI cases may not use Military Service Member Courts</li> </ul>            | Individuals who are charged with offenses related to driving under the influence of alcohol or drugs are not eligible to use Military Services Member Courts.   | Signed 03/25/20<br>Effective 06/03/20 |
| WY | HB 31   | Joint Committee on Labor, Health and Social Services   |  | <ul style="list-style-type: none"> <li>• Screening and assessment</li> </ul>  | Requires the department of health and the department of corrections to improve mental health and substance use programming to try to stop offender recidivism.  | Signed 03/24/20<br>Effective 07/01/20 |

Responsibility.org advocated in 41 states in 2020 and as always, several issues were prevalent in most states. **A summary of this year's legislative trends is included below:**

### Ignition Interlocks

This year ignition interlock legislation was introduced in 48 states and The District of Columbia and we teamed up with traffic safety partners to support bills in Alabama, California, Delaware, Georgia, Hawaii, Louisiana, Maryland, Massachusetts, New York, North Carolina, South Carolina, Utah, Virginia and Washington. For the first time, we teamed up with the Distilled Spirits Council of the United States (DISCUS) to support the passage of ignition interlock legislation. While Responsibility.org has long advocated for the use of ignition interlocks among all DUI offenders in numerous states, this was the first year that DISCUS has worked alongside us in five priority states: California, Maryland, Massachusetts, North Carolina, and Pennsylvania. We look forward to continuing this strategic alliance in 2021.

Maryland has long been a priority state for Responsibility.org and this year we collaborated with legislators and other traffic safety stakeholders to advance HB 952/SB 870 that would make improvements to Maryland's interlock law (commonly known as Noah's Law) by making it mandatory for DUI offenders who are sentenced to probation before judgment to install an ignition interlock. Responsibility.org and DISCUS President and CEO, Chris Swonger, testified alongside Rich Leotta (father of Officer Noah Leotta who was struck and killed by a multi-substance impaired driver in the line of duty) before the House Judiciary Committee in support of HB 952. Chris conveyed the support of both organizations and stressed the importance of increasing interlock use to save lives. Responsibility.org returned the next day to testify before the Senate Judicial Proceedings Committee in support of the cross-filed SB 870, also reiterating the need to close gaps in Maryland's ignition interlock law. We look forward to returning in 2021 and every year until the bill passes.

Chris Swonger joined Rich Leotta a month before the legislative hearing in a Montgomery County, Maryland courtroom where Rich spends a few days each month monitoring judicial decisions and if they include ignition interlocks in the sentences of impaired drivers. It was an honor for Responsibility.org staff to accompany Rich on this day in court and it certainly opened our eyes to the need for changes to Noah's Law. In Maryland most first-time impaired drivers are sentenced to probation before judgment (PBJ) and interlocks are not currently required for offenders who receive PBJ. In Responsibility.org's opinion, they should be mandatory for all DUI offenders.

### Drug-Impaired Driving

As drug-impaired driving and multi-substance impaired driving continue to increase, more states are looking for ways to test for drug presence in an efficient manner. [Oral fluid testing](#) at the roadside is becoming more prevalent. It is currently in use in 18 states and internationally. Alabama and Michigan have implemented statewide programs. Michigan's statewide pilot is ongoing, and Michigan State Police are confident that despite the pandemic, there will be a significant amount of data available to evaluate the accuracy of the technology. Partners and policymakers are awaiting this data to inform future decisions with respect to the program and our hope is it will transition from pilot to permanent status in 2021.

In Maryland, we testified in support of HB 808/SB 309 that would establish a five-county oral fluid drug testing pilot program to identify more drug-impaired drivers at roadside (like the Michigan pilot program). In addition to meeting with multiple legislators and their aides, staff from Responsibility.org and DISCUS testified in support of these bills. Erin Holmes testified in support of both bills and was joined by Responsibility.org partner and victim advocate Brian Swift, who was responsible for the passage of Michigan's oral fluid pilot law. A forceful case was made that implementing this pilot would follow an approach that has already proven successful in Michigan and position Maryland as a leader in the fight against drug-impaired driving.

Bills to advance oral fluid testing were also introduced in Illinois and New York.

### High-Risk Impaired Drivers

States frequently focus on the high-risk impaired driver and numerous states introduced legislation again this year. We were excited to see new, [more effective approaches](#) championed at the state level such as [electronic warrants, law enforcement phlebotomy, oral fluid testing, increased capacity for state toxicology labs](#) and the establishment of treatment courts instead of the usual cookie-cutter justice that does nothing to change behavior. We will continue to promote effective solutions to this problem.

### West Virginia Repeals Administrative License Revocation

We were disappointed with West Virginia's passage of SB 130, sponsored by Sen. Charles Trump (R), that repeals administrative license revocation (ALR) and will have a devastating effect on the state's ignition interlock program. Responsibility.org opposed this misguided legislation in previous years along with many traffic safety partners, but this year the legislation passed and was signed into law. We will offer our assistance in West Virginia to restore the law and the ignition interlock program.



## New Responsibility.org Team Member



In April we welcomed a new Vice President of Traffic Safety and Government Relations to the team. Dr. Darrin T. Grondel has more than 28 years of experience in traffic safety and criminal justice through his roles at the Washington State Patrol, Executive Director at the Washington Traffic Safety

Commission and as Chairman of the Governors Highway Safety Association (GHSA). He is also a member of key highway safety committees for the International Association of Chiefs of Police and the National Sheriffs Association. Darrin has worked at the local, state and national levels to stop impaired driving and brings a wealth of experience to Responsibility.org. Darrin shared his [thoughts](#) on joining the team in April.

## Responsibility.org Launches New Program: The High-Risk Impaired Driver

Responsibility.org is proud to announce the launch of the High-Risk Impaired Driver (HRID) project via Zoom [Webinar](#) in late May with more than 230 participants who are leaders in the highway safety and criminal justice fields. The project was created with a [panel of experts](#) in traffic safety and criminal justice and offers users a wealth of information on the [STOPHRID.org](#) website and many additional resources in the “[Toolkit](#)” section, including two powerful and compelling videos: The [HRID “Explainer” Animation video](#) and The [Houston S.O.B.E.R. Court video](#).

The HRID project gives users a look at how the criminal justice system processes DUI, informs users of the challenges in the system and proposes top priority solutions to enhance the way our nation deals with impaired drivers. We know from years of research that 2/3 of DUI offenders will not re-offend, but 1/3 of them will become repeat offenders. The goal is to help practitioners and policymakers better understand the importance of identifying the HRID offender on the first DUI to prevent a repeat DUI from occurring. Tools and technology exist to ensure effective sentences that will lead to behavior change. The HRID project is a collaborative effort with GHSA and complements the report released in 2019 [High-Risk Impaired Drivers: Combating A Critical Threat](#).

## Responsibility.org and GHSA 2020 State Grants

In partnership with the Governors Highway Safety Association, Responsibility.org for the sixth straight year, has provided grant funding for states seeking assistance for driving under the influence of drugs (DUID) and a new grant to support initiatives addressing high-risk impaired drivers. This year GHSA and Responsibility.org provided nearly \$250,000 to the following states:

- Illinois to develop the first law enforcement phlebotomy program in the state
- Maryland to train 40 drug recognition experts and support enhanced toxicology testing
- Minnesota to support funding for screening, brief intervention and treatment for impaired drivers
- Missouri to fund a law enforcement phlebotomy evaluation to inform state policy changes
- Pennsylvania to train 16 drug recognition experts
- Washington for a commercial motor vehicle drug training pilot program with drug recognition experts and commercial vehicle enforcement officers.
- Wyoming to enhance the State Toxicology lab’s advanced chemical testing program

## CARS-5 Screening and Assessment Tool Launched

For more than a decade, Responsibility.org has collaborated with the [Division on Addiction](#) at Cambridge Health Alliance, a teaching affiliate of Harvard Medical School, to make the Computerized Assessment and Referral System (CARS) freely accessible to any practitioner or entity involved in the supervision or rehabilitation of impaired drivers. Unlike generic assessment instruments, CARS is validated specifically among impaired drivers, a unique population within the criminal justice system. CARS is one of only a few instruments that practitioners now have at their disposal that provides an accurate estimate of risk and insight into both criminogenic and treatment needs. The automated nature of the instrument makes it extremely easy to use and facilitates integration into existing case management platforms. CARS generates immediate personalized diagnostic reports that contain information about a client’s mental health profile, a summary of risk factors, and targeted referrals to treatment services within their geographic area that match their individual needs. In the few years that the instrument has been publicly available, there have been in excess of 800 registrants representing each facet of the justice system.

Dr. Sarah Nelson from the Cambridge Health Alliance delivered a webinar in early May about the latest version of the CARS tool. The enhancements that Dr. Nelson discussed included the transition from DSM-IV to DSM-V (Diagnostic and Statistical Manual of Mental Disorders, fifth edition) criteria in both the CARS screeners and full CARS assessment as well as the Spanish translation of both the self and interviewer-administered versions of the CARS screener. The webinar attracted more than 600 registrants and the recording is now available for viewing: <http://www.carstrainingcenter.org/getting-started-w-cars-5-webinar-now-available/>.

## Thought Leadership

On the education front, Responsibility.org began the year with speaking engagements at national conferences and state-specific trainings and transitioned to online learning via webinars following the cancellation of in-person events. Knowledge transfer efforts involved translating research into practice for an array of audiences including both practitioners and policymakers. Vice President of Criminal Justice Programs and Policy, Erin Holmes, joined forces with [Mark Stodola](#), the [American Probation and Parole Association](#) (APPA) Probation Fellow and Judge Neil Axel, to deliver a workshop at APPA's Winter Training Institute that focused on how to achieve behavior change among high-risk impaired drivers after the conviction.

At the state level, Responsibility.org participated in the Texas Impaired Driving Forum where Responsibility.org staff presented on the CARS tool and the prevalence of mental health disorders among impaired drivers. We were also invited to join the Florida Impaired Driving Coalition (FIDC) to offer recommendations on ways to address drug-impaired driving in the Sunshine State. As Florida has experienced significant problems with prescription opioid abuse and is exploring the legalization of recreational cannabis, stakeholders are concerned about potential increases in drug-impaired driving and are looking for ways to be proactive in addressing various aspects of the problem. In addition to providing education and sharing national insights and lessons learned from other jurisdictions, Erin identified specific ways the coalition can work to strengthen policy, enforcement, assessment, and supervision practices. Lastly, Erin and Mark participated in the Texas Center for the Judiciary's inaugural webinar which provided judges with insight into the current status of impaired driving across the country and discussed the challenges that the criminal justice system is facing during the COVID-19 pandemic.

Responsibility.org was invited to participate in two National Highway Traffic Safety Administration (NHTSA) Regional meetings to share programs and resources with states in Region 5 and Region 6. In Region 5, Erin Holmes and Darrin Grondel identified priority solutions to identify multi-substance impaired driving and ways that state agencies can forge public-private partnerships to advance projects that grant funding does not cover. The Region 5 presentation focused on ways that rural jurisdictions can address traffic safety and impaired driving issues with limited resources and bandwidth. Non-traditional partnerships were also a theme at this meeting. We appreciate the opportunity to enhance our relationship and efforts with NHTSA and assist states with their highway safety activities.

Responsibility.org has forged new partnerships with the National Marijuana Initiative, which is funded by the High Intensity Drug Trafficking Areas (HIDTA), and is part of the Office of National Drug Control Policy (ONDCP), and the Domestic Highway Enforcement (DHE) program, which is part of the Department of Homeland Security.

Darrin Grondel and Jennifer Cifaldi, Illinois Traffic Safety Resource Prosecutor, co-presented on drug-impaired driving for their May 7, 2020, Transportation Thursday training online seminar. The focus was on training drug interdiction team members to be highly skilled in recognizing impaired driving to include proficiency in Standard Field Sobriety Tests (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and each interdiction team should have a least one Drug Recognition Expert (DRE). While interdiction teams are highly skilled in identifying drug loads; they are not skilled at identifying impaired drivers beyond alcohol. DHE has noticed a disturbing trend of "dealers" and "mules" driving drug loads while under the influence, resulting in fatal crashes and high-profile arrests. This meeting set the stage for further training and presentations at upcoming interdiction conferences.

## Alcohol Responsibility Month

Every April for the past 17 years, Responsibility.org has worked with Attorneys General to prevent underage drinking through promotion of the [Ask, Listen, Learn](#) program. While times are different with the spread of COVID-19, sharing this messaging is still important. Attorneys General Carr (R-GA), Ford (D-NV), Jennings (D-DE), Kaul (D-WI), Paxton (R-TX), Rosenblum (D-OR), and Wasden (R-ID) all teamed up with us to promote online resources to prevent underage drinking and encourage responsible alcohol consumption among adults age 21 and over who choose to drink.



Click any of the of the above to view on Twitter.

## May — National Drug Court Month and National Mental Health Month

The month of May was busy as Responsibility.org observed National Drug Court Month and National Mental Health Month. A movement that began with a single treatment court has grown to more than 3,000 programs within the United States and adoption internationally. More than 150,000 clients are served annually through the various iterations of the model which protects public safety, saves resources, and perhaps most importantly, changes behavior. Responsibility.org supports the implementation of [DWI courts](#) as an effective countermeasure for high-risk impaired drivers and we have a longstanding partnership with the [National Center for DWI Courts](#) (NCDC) to increase access to these courts and their practices. Members of the Responsibility.org [Judicial Advisory Board](#) shared their insights into what makes DWI courts so effective and how establishing a treatment court within a pre-existing system helps to make the entire system more responsive. Their quotes and experiences were shared via social media graphics.

Responsibility.org remains committed to advocacy of effective countermeasures and implementation of programs. If we can assist you or anyone on your staff as you prepare for 2021 state legislative sessions, please contact Brandy Axdahl or Darrin Grondel.



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