



Tough DUI law to begin

First offenders must use ignition devices

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The Arizona Republic

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This week Arizona will enact one of the toughest DUI laws in the nation.

Hardest hit are first-time violators and a new class of "super extreme" DUI offenders whose blood-alcohol concentration registers 0.20 percent or above, which is more than double the legal limit of 0.08 percent.

Beginning Wednesday, new penalties include mandatory ignition-interlock devices for first-time offenders, increased fines and a minimum of 45 days in jail for super extreme DUI convictions.

The law was modeled after legislation passed in New Mexico in 2005 requiring interlock devices for all people convicted of driving under the influence. Officials there linked a 4 percent decrease in alcohol-related fatalities to interlock use in the year following the law's passage.

Although lawmakers hope for a similar result in Arizona, DUI attorneys say the higher stakes will lead to increased court caseloads and an extreme inconvenience in the lives of "super extreme" and first-time offenders.

The Arizona Motor Vehicle Division expects about 17,000 first-time drunken drivers in the coming year. They all will have to pass a breath test before getting behind the wheel.

Sixth-highest in U.S.

Rep. David Schapira, D-Tempe, realizes the bill he sponsored may not win him votes in popularity, but he hopes the law will make Arizona's roads safer.

One Arizona State University student said during a recent chat with legislators " 'Gosh, that DUI bill is just ridiculous. Whose idea was this?' " Schapira said.

The negative response is understandable, he said, given that the penalties are meant to be strong deterrents.

Schapira, the Legislature's youngest member at 27, and his staff came up with a DUI bill earlier this year

after learning about New Mexico's success. Although a victim of an alcohol-related crash in 1996, Schapira said he hadn't fully realized the problem of drunken driving in Arizona.

National Highway Traffic Safety Administration records show Arizona had the sixth-highest number of alcohol-related fatalities in the nation. There were 585 alcohol-related fatalities statewide in 2006, up 15 percent from 2005.

Overall, drunken driving has significantly decreased in the past 20 years, but the state has hit a plateau, said Ericka Espino, executive director for Mothers Against Drunk Driving Arizona.

"Saturation patrols certainly help, as do sobriety checkpoints, and we're thankful," Espino said.

"Unfortunately, Arizona's numbers are not going down. . . . We need to figure out what's going on. We truly believe ignition interlock is the solution for us: It takes the weapon out of the hands of the drunk driver."

The law, which was signed by Gov. Janet Napolitano in May, made Arizona the second state to require ignition-interlock devices for first-time offenders. Louisiana and Illinois also followed suit.

Interlock devices are wired beneath the dash of a vehicle and require a clean breath sample to start the car. Most units will prevent the car from starting if a blood-alcohol content of 0.03 percent or above is detected. A person has three tries to blow a clean sample before the device shuts down and requires a technician to recalibrate it.

About 100,000 people in the U.S. use the devices; about 7,000 of those are in Arizona, according to MVD records. Most, if not all, users in Arizona are repeat offenders.

Law drawing critics

The harsh new stance on drunken drivers has its share of detractors.

Critics say interlock devices are expensive to maintain and provide a short-term answer to a long-term problem.

The offender pays for the device, which typically costs \$100 for installation and about \$80 a month to maintain. Most first-time offenders will have the device for 12 months. That cost is in addition to the more than \$1,000 in fines imposed for a DUI conviction.

And studies have shown that while interlock devices are effective while in use, drivers tend to slip into old habits once the units are removed.

"We recognize that many offenders may have an alcohol dependency that underlies their drinking-and-driving behavior," said Anne McCartt, vice president for research at the Insurance Institute for Highway Safety. "Even if interlocks don't prevent drinking and driving when they're removed, it can reduce drinking and driving while they're installed, and we think that's important."

DUI defense attorney Mark Weingart said clients have been clamoring for information on whether the new

law will affect pre-existing cases. It doesn't, but Weingart warned that he expects courts to see a spike in the number of DUI cases that are challenged.

Most of Weingart's clients have been arrested on suspicion of having a blood-alcohol content over the legal limit or are in the new "super extreme" category with a blood-alcohol content of 0.20 percent or above.

Under the new law, the sentence for a first-time conviction of super extreme DUI nets at least 45 days in jail and a judge is prohibited from suspending any part of the jail time. Previously, a judge could suspend most of the sentence upon completion of a court-sponsored drug or alcohol program.

"Now I think defense lawyers are going to have to learn to exploit all of the potential for error there is in blood or breath testing," Weingart said. "We're talking about a situation here where if somebody has a blood test of .1999, you have 10 days in jail. If it's one-thousandth of a point higher, it's 45 days.

"I think people are going to have to fight these DUIs harder than ever before."

In New Mexico, that's exactly what happened.

David Crum, a DUI attorney in Albuquerque, said more first-time-offense cases have gone to trial since the 2005 interlock law was enacted.

Although first-time offenders see interlocks as inconvenient, multiple offenders embrace the device, Crum said.

"For a lot of people, it's been helpful," Crum said. "I know it's probably weird to hear me say that. When you get repeat offenders in New Mexico, it's easier for me to say we can make a deal where you can still drive anytime, anywhere as long as you have an interlock in your car."

Advocates hope that the state's new law will be tough and inconvenient enough to deter drunken driving.


"The biggest argument we kept hearing is it's such an inconvenience for the first-time offender," Espino said. "It's either an inconvenience or someone possibly injuring or killing themselves or others. To me, it's no question. Ultimately, it will save lives."

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- rose8989
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don't drink and drive. don't drink even drink one beer, then drive home. I like to drink and have fun at bars, but I either have cab fare or a sober friend. Don't have either? Then it's a beer at home for me. alcohol is not water. it's a recreational activity. And I have never had to worry about a dui. Its just that easy. The only people who seem to worry about this is are alcoholics or the people who have not figured this out yet.

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Half the cars on the road are driven by illegal aliens with no or fake Driver's Licenses, no registration, and of course NO INSURANCE. They don't obey immigration, identity theft or other laws, but they are gonna sit up and take notice of this DUI crackdown? Yeeaaaah, R.I.G.H.T.!

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Although I have never gotten a DUI and at my age I no longer drink anything significant I am glad I grew up and attended college in the 70s because we appear to be moving ever more to a police state. How do we balance risk aganist oppression.

- amused
- Posted: Sep 16, 2007 at 3:01 AM
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always have to blame someone else

"it's just the illigals that drink and drive" ya, i know plenty of legal american (inappropriate term) that have fake licenses, no registration and no insurance and drink alcohol like it's water...It's sad to see that hatred and prejudice..but i'm not surprised

- wildjoker
- Posted: Sep 16, 2007 at 3:01 AM
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Not harsh enough. First time offenders need 30 days in tent city and drivers license revoked for 6 months. Second offense: 6 months in tent city and DL revoked for a year. Third time: 3 years in tent city and DL revoked forever.

- plsmith
- Posted: Sep 16, 2007 at 3:40 AM
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Az. drivers are the worst I've ever seen. Something should be done to take the worst off the roads before they kill themselves, or me, or you. I think this new law should be even more harsh.

- prose
- Posted: Sep 16, 2007 at 3:47 AM
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Get and stay tough on drunk divers. I applaud the new laws. I wish the devices were installed on the

vehicle that destroyed my twin brother. I wish laws were available then to punish the extremely drunk driver in this case. He was a habitual drunk and received no punishment at all. The prosecutor was so drunk in court that the case was almost thrown out. DRINK RESPONSIBLY - your grandbaby or your lover may be the next victim of the deadly mix of alcohol and driving. It is no picnic to identify a mangled body in the morgue.

- prose
- Posted: Sep 16, 2007 at 3:54 AM
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correction..DRINK RESPONSIBLY.

- SUZANNE
- Posted: Sep 16, 2007 at 3:57 AM
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PERSONALLY I THINK ALL NEW CARS SHOULD HAVE BUILT IN BREATHALIZERS, THAT WAY THERES NO QUESTION. CAB COMPANIES ALREADY HAVE A FREE RIDE HOME PROGRAM, ITS JUST A MATTER OF PEOPLE USING IT...

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hhmmmm.. I see a possibility for an ever-more oppressive government. Maybe, with luck, we can tax the everlovin' -**it out of alcohol like we do on cigarettes and support ever more government drones to enact more laws and yet more taxes. Gosh, I get a shiver when I think about GPS trackers implanted in all our citizens....

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