

'Tighten the noose'

Senate votes drunk driving crackdown

By Tim Richard
Staff Writer

Despite warnings that the plan wouldn't work, the Michigan Senate last week passed three bills to "tighten the noose around people who drink and drive," in the words of Sen. Doug Ross, D-Southfield.

"It's a good election-year bill," said Sen. Thomas Guastello, D-St. Clair, who voted for the package, and Basil Brown, D-Highland Park, who didn't.

On the Senate floor, as a guest of Sen. R. Robert Geake, R-Northville, was Lee Landes, a Livonian active in Mothers Against Drunk Drivers (MADD). The group was active in television and lobbying campaigns to win passage of the package.

Landes lost his son to a drunk driver. In a typical year, says MADD, 1,000 lives in Michigan are snuffed out in traffic mishaps involving drunk drivers.

THE BILLS — SB 702, 776 and 777 — won 29-2 and 30-1 approval and go to the House. Brown voted against all three and Jackie Vaughan III, D-Detroit, opposed two.

Yet most of the debate consisted of reasons why stiffer penalties would fail to keep drunk drivers off the roads. "I'm probably going to end up supporting the bills," said Sen. Donald Bishop, R-Rochester, "but I want to put the results of the bills on the court system."

"Their passage will result in a tremendous demand on their (courts') time. There will be more jury trials. I will automatically ask for a jury trial," said attorney Bishop, "just to put the thing off."

"The penalties are so horrendous... I'm not sure the backlog of cases will disappear."

GUASTELLO, whose suburban constituents in Macomb and St. Clair counties have little public transportation, objected to suspending drivers licenses for six months on the first offense conviction. A convicted person who received a jail sentence of at least four days would be eligible for a restricted

license (to drive to work) after 90 days.

"We're sentencing most first-offense drunk drivers to losing their jobs," said Guastello.

Sen. Jack Faxon, D-Detroit, a strong supporter of the package, agreed that "in other areas, there is a public transit system. But we (Detroit) don't have the facilities in the city any more."

You've got to let a judge have latitude where a person's job is at stake."

Replied Sen. George Hart, D-Dearborn, "The punishment should fit the crime."

THE HEAVIEST guns were fired by Brown, whose own arrests for drunk driving and flight against alcoholism have received wide attention during his years in the Senate.

"I'd like to know what you intend to do, other than punish people," he said.

The bills provide for a 90-day maximum jail sentence for the first conviction, a one-year maximum jail sentence for a second conviction and a prison sentence of up to 10 years for a third (felony) conviction.

But the bills would still allow prosecutors to reduce charges, said Brown, citing the case of a 20-year-old Lansing area man who was convicted of drunk driving three times but charged with "first offense" each time.

"He was never in jail. What does this bill do about that? Nothing!"

He went on: "This bill says the judge 'shall not defer sentence.' There's nothing you can do short of amending the constitution to prevent a judge from exercising his discretion."

The package's chief sponsor, Sen. Stephen Monsma, D-Grand Rapids, was forced to agree with one of Brown's criticisms. "To attempt to mandate to prosecutors that they not reduce charges 'would create more problems than it would solve,'" said Monsma.

Monsma also conceded that many convicted people whose licenses were suspended would continue to drive — "but terribly, terribly carefully," he added.

BROWN POINTED to a section requiring convicted persons to be re-

ferred to alcohol treatment programs and asked:

"What kinds of programs do you have? How can you mandate someone into Alcoholics Anonymous? The prosecutors think you can. The chiefs of police think you can. I don't think you can."

"If you're going to mandate rehabilitation, what programs do you have? Are they uniform throughout the state?"

Sen. Edward Pierce, D-Ann Arbor, pointed to "roadhouses five miles out of town" where people drive to drink, then drive home. "It's easy and typical to respond by increasing penalties," he said.

"But I'm skeptical of how well that's going to work. It would be more productive to change the locations of where people drink."

A FIRST-OFFENSE drunk driving conviction would continue to be punishable by up to 90 days in jail, but the new package would also provide for suspension of the license for six months

to two years, with no possibility of a restricted license unless the driver spent at least four days in jail. Maximum fine would be doubled to \$1,000.

For second offense (within seven years), the jail sentence would still be up to one year, but the license suspension would be for one to five years with no restricted license allowed.

A third offense would continue to be a felony with a prison sentence of one to five years, but the license suspension would be for seven years instead of one, with no restricted license allowed. Fine would be \$1,000 to \$5,000.

A new crime would be created — drunken driving which causes injury or death. The prison sentence would be up to 15 years.

Police officers would be allowed to give on-the-spot blood alcohol tests, but these would not be admissible as court evidence.

A Drunk Driving Reform Task Force would be created to continue studying the problem and make recommendations for solving it.

AGORAPHOBIA

- FEAR of driving alone
- FEAR of waiting in lines
- FEAR of going far from home
- FEAR of social situations

- FEAR of crowded public places (streets, stores, restaurants)
- FEAR of shopping malls or large stores
- FEAR of being trapped
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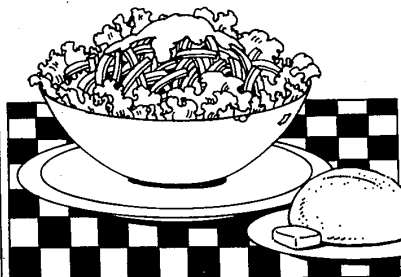
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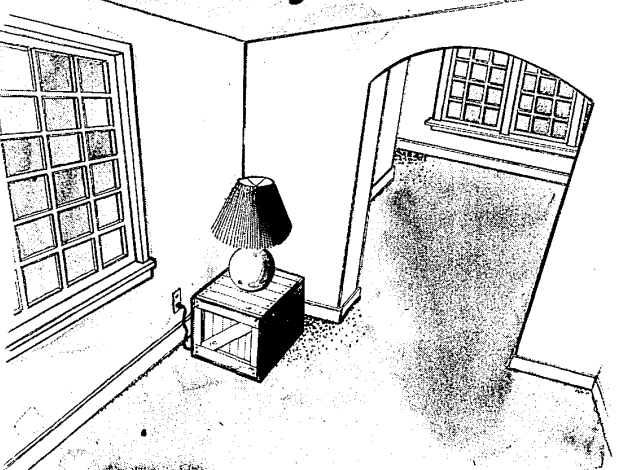
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