

Mom pushes for stiffer drunk driving penalties

By Joanne Maliszewski
staff writer

Rita Kaplan can't bring back her 20-year-old son. But she's working hard so other mothers' sons aren't whisked away by impaired or drunk drivers.

"This is not acceptable behavior. We cannot keep killing off people," the Farmington Hills resident said.

Too often, Kaplan said, drunk drivers literally get away with murder. Her goal is to stop that with stiffer penalties proposed in a bill introduced in June by state Rep. Michael Nye, R-Hillsdale.

The best example of what she would like to see happen in Michigan took place in an Ontario courtroom last year.

Kaplan's son, Michael, and Elizabeth Wood, 18, were killed on Highway 101 in Ontario March 5 while on their way with another friend to Toronto. A 27-year-old man was convicted in the deaths.

Michael Kaplan, a former Farmington Hills Harrison High student and Bloomfield Hills Cranbrook graduate, was living in Ann Arbor at the time of his death. He was taking off his junior year at Harvard to find out if psychology was the direction he would take with his life.

Ontario District Court Judge James Clarke sentenced the 27-year-old driver to two concurrent terms of 30 months for impaired driving in each death, plus a consecutive six-month term for leaving the scene of the accident.

MORE IMPORTANTLY, Kaplan said, Judge Clarke prohibited the convicted driver, a first offender, from driving a vehicle for 10 years after he's completed his sentence.

"Something similar may be on the books here. But they just don't do it," Kaplan said.

In Michigan, judges may sentence a driver to a maximum 24 months in prison for negligent homicide and a maximum 15 years for manslaughter. Though a license may be suspended according to the offense, it rarely is to the maximum allowed by law, said Mothers Against Drunk Driving Oakland County branch president Greg Bien.

"If you go back eight years in Oakland County, I don't think they were jailing anyone for killing someone. Now we see people going to jail for negligent homicide and manslaughter," Bien said.



Michael Kaplan
crash victim

'The problem with penalties today is that right now it (drunk driving) is not a big deal. We need to make it a big deal.'
— Rita Kaplan

third convictions occur within 10 years and maximum license suspension would be increased to 24 months, according to the bill.

THE BILL also addresses minors driving drunk and suspending licenses if drivers meet the lower blood alcohol level at the time of arrest.

Kaplan said she's looking for preventive rather than punitive penalties. "Yes, it (driving a vehicle while drunk) is assault with a deadly weapon. But nothing is going to bring my son back or anyone else's," she said. "The problem with penalties today is that right now it (drunk driving) is not a big deal. We need to make it a big deal."

NYE'S BILL provides for tougher penalties when death or injury occur as a result of drunk or impaired driving:

- death: a maximum penalty of imprisonment up to 15 years in prison and \$10,000 fine and a mandatory revocation of driver's license for life.

- serious injury: maximum penalty of five years in prison and \$2,000 fine and mandatory revocation of driver's license for life.

- minor injury: maximum 1 year in prison and \$1,000 fine and revocation of driver's license for one year.

The bill also features lower than the current 0.10 percent blood alcohol level for operating under the influence of liquor (OUIL) and operating while impaired (OWI). A license would be suspended if second and

Kaplan agrees with that assessment. What surprised Kaplan was the reaction of courtroom watchers and authorities involved in the accident investigation in Ontario.

"In the courtroom where we were, there was a lesser tolerance. There was a real anger about this accident," Kaplan said.

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