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CRACKDOWN ON DUI LAW TARGETS REPEAT OFFENDERS

TERRY R. CASSREINO / THE SUN HERALD

JACKSON -- Judges and law officers are preparing to give a rude awakening to repeat drunken drivers.

A new law that goes into effect Sept. 1 requires judges to sentence repeat offenders to a minimum amount of jail time, community service and fines. It also calls for a drug and alcohol assessment of repeat offenders, possibly requiring them to seek treatment in an alcohol or drug abuse program. The law also requires judges to impound or immobilize all vehicles registered to a repeat offender during the length of time his driver's license is suspended. A second offense calls for a two-year suspension; a third offense calls for a five-year suspension.

If other licensed drivers in the offender's household need the vehicle, the judge could order the installation of an ignition interlock system -- a device that uses a breath analyzer to prevent the car from starting if the driver is intoxicated.

"While there may be some inconvenience here, you have to weigh the good to society by stopping a drunk from driving a car and putting innocent people at risk," said state Rep. John Reeves, R-Jackson, a champion of strong drunken driving laws. "The good far outweighs any inconvenience."

Some lawyers complain that the devices could cost as much as \$300 or \$400 a month, not affordable to many families who need to use a car. But testimony early this year before the House Judiciary A Committee showed that an ignition interlock system could cost \$30 to \$50 a month.

Reeves and Rodger Moore, executive director of the Mississippi chapter of Mothers Against Drunk Drivers, called the monthly charges a small price to pay to ensure drunken drivers are off the roads.

"It's about time we really got serious about some of these things," said Rodger Moore, executive director of the Mississippi chapter of Mothers Against Drunk Drivers. "This attempts to emphasize that we are really serious about attempting to save lives."

If state legislators had not cracked down against driving under the influence of alcohol and drugs, the federal government would have shifted \$3.3 million in state highway construction money to highway safety projects.

"I would be for it whether or not the federal government required it," Reeves said. "It's going to save lives. Really, for the first time we are going to truly punish drunk drivers."

Gulfport Municipal Court Judge David Ishee said the law limits a judge's discretion in sentencing by mandating minimum jail time, community service and fines for repeat offenders. Such penalties, he

said, are better off left to the judge to decide on a case-by-case basis.

Gulfport DUI attorney **Wayne Woodall** said the stiffer penalties mean that more people may contest drunken driving charges and take their chance in court rather than plead guilty and automatically go to jail or prison. That, he said, could clog the court system.

"When people face incarceration," **Woodall** said, "they are adamant about fighting."

But law officers such as Ocean Springs Chief of Police Kerry Belk believe stiffer penalties and fines will make people think twice about drinking and driving. While the new laws require a period of adjustment, he said, they are still a good idea.

"I do see some initial difficulties," he said, "but I don't think they are insurmountable."

Moore agreed, saying that making some people serve time in jail or prison is the best way to get their attention and drive home the seriousness of their offense. He said the new laws give Mississippi some of the toughest DUI laws in the country.

"That doesn't mean we don't have loopholes," Moore said. "Some additions may have to be made to it. What's too stiff when you are talking about saving people's lives?"

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Infobox: DUI arrests on the Coast

A look at statistics showing the number of Mississippi residents arrested for violating the state's laws against driving under the influence of alcohol and drugs.

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|---------------------|-------------|-------------|--------|
| | 1997..... | 1998..... | 1999 |
| Hancock County..... | 487..... | 484..... | 446 |
| Harrison..... | 1,916..... | 1,678..... | 1,879 |
| Jackson..... | 777..... | 691..... | 738 |
| Statewide..... | 33,425..... | 32,206..... | 31,769 |

SOURCE: Mississippi Office of Highway Safety

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Emergency workers free the injured passenger of a pickup that crashed into a bridge in Gulfport. Police tested the driver for DUI. According to the National Highway Traffic Safety Administration, 15,935 people died in alcohol-related crashes in 1998, making up 38.4 percent of all traffic deaths in the United States.

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Infobox: Tighter DUI Laws

A look at stiffer laws for repeat offenders charged with driving under the influence of alcohol and drugs. The laws take effect Sept. 1.

2nd DUI within five years of first offense

*Must serve at least five days and up to a year in jail.

*Must serve at least 10 days and up to a year of community service.

*Must pay at least a \$600 and up to a \$1,500 fine.

*Must have in-depth diagnostic assessment of alcohol problems and possibly receive treatment in alcohol and drug abuse program.

*Courts cannot suspend or reduce minimum jail time, community service and fines.

*Prosecutors cannot offer to suspend or reduce jail time for a plea bargain.

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3rd DUI within five years of first offense

*Must serve at least one year and up to five years in prison.

*Must pay at least \$2,000 and up to a \$5,000 fine., *Must have in-depth diagnostic assessment of alcohol problems and possibly receive treatment in alcohol and drug abuse program.

*Courts cannot suspend or reduce minimum jail time, community service and fines.

*Prosecutors cannot offer to suspend or reduce jail time for a plea bargain.

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Additional provisions

*If convicted of 2nd or subsequent offense and driver's license has been suspended, the court must impound, immobilize or install an ignition interlock system on all vehicles owned by the drunken driver. All expenses are the drunken driver's responsibility.

*After the drunken driver's license is reinstated, the court must order the installation of an ignition interlock system on all vehicles registered to that person for at least six months. All expenses are the drunken driver's responsibility.

*Ignition interlock systems use a breath-analyzer to prevent a car from starting if it determines the driver is intoxicated; ignition interlock systems require a monthly maintenance fee.

---SOURCE: State Rep. John Reeves, R-Jackson, and House Bill 878 of the 2000 Mississippi Legislature.

