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LAWYERS: DUI LEVEL EYES ZERO TOLERANCE

JACK ELLIOTT JR. / THE ASSOCIATED PRESS

JACKSON --- Drunken drivers have become the new criminals of the millennium and the federal government is pushing states toward zero tolerance, say lawyers specializing in DUI defense.

Mississippi's threshold for drunken driving drops from .10 percent blood alcohol content to .08 percent on July 1. Mississippi is the 32nd state to adopt the standard, said Danny Berry, state executive director of Mothers Against Drunk Driving.

Federal law requires states to approve a .08 percent BAC drunken driving standard by Oct. 1, 2003, or face the loss of 2 percent of their federal highway construction funds each year to a maximum of 8 percent by 2007.

Jackson lawyer Vic Carmody, whose practice is exclusively DUI cases, said the threat of loss of federal funds means "people who were not criminals yesterday will find that they will be on July 1."

"Truck drivers are .04. It's .02 for under 21. The .08 standard is just here for a few years. I don't want to say prohibition, but that appears what they are trying to get back to," Carmody said.

The National Highway Traffic Safety Administration says a 170-pound man could consume about four drinks in an hour on an empty stomach before reaching .08 limit. A 137-pound woman could have three drinks in an hour before reaching .08.

Berry said a legal intoxication limit of .08 percent is fair.

"Right now, we're satisfied with .08 percent," he said. "At .08 percent, an individual is impaired to the degree that they shouldn't be behind the wheel. This is more than social drinking."

Berry also said the state has an obligation to keep roads safe for Mississippi motorists.

Carmody said he expects the difference in the overall number of arrests between .08 percent and .10 percent will be insignificant.

Wayne Woodall, a lawyer in Gulfport, said the designated driver has become "more socially acceptable" along the Gulf Coast.

"For many years, you only had a designated driver at New Year's Eve or the company party, where

one group would not drink at all. That's good advice," **Woodall** said.

Woodall said he doesn't think the Legislature would have lowered the BAC had the federal government not threatened the states with the loss of highway dollars.

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