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Justus Files Bill to Strengthen Missouri DWI Laws

Legislation Would Expand DWI Courts

JEFFERSON CITY – Senator Jolie Justus (D-Kansas City) today introduced legislation to combat repeat drunk driving. Her DWI bill closes a loophole that allows multiple convictions without a central reporting mechanism, it institutes harsher penalties based upon the level of intoxication, it mandates minimum jail sentences for offenders, and it provides courts the authority to establish a DWI Court for offenders with alcohol problems similar to the Drug Courts now in operation.

“For too long our system has let offenders slip through the cracks,” Sen. Justus said. “My bill will stop that.”

Under Justus’ legislation, repeat offenders would automatically go to state court where their offenses would be recorded into the statewide system. The bill also mandates minimum jail sentences: a person convicted of a .15 blood alcohol content (BAC) would serve 48 hours in jail; those convicted of a BAC above .20 would serve five days in jail. The bill also limits the use of Suspended Imposition of Sentence, a common tactic to avoid a record of a previous DWI conviction. Prior offenders would receive 10 days in jail and persistent offenders’ jail time would be increased from 10 to 30 days.

“We want drunk drivers to know that Missouri will not tolerate putting the rest of us at risk,” Sen. Justus said. “For too long we have debated slight changes in BAC, flirted with interlock devices and left the punishment for a refusal to submit to a BAC test equivalent to the punishment for a second DWI.”

Justus’ bill extends the loss of driving privileges from one year to two when a suspect refuses to submit to a breathalyzer.

Finally, the legislation encourages the establishment of DWI Courts. Sen. Justus says Missouri courts already are allowed to establish DWI Courts if no additional funds are spent, but her bill expands upon the concept. Her bill allows for a DWI docket or court, drawing on the funding already established for Drug Courts. Similarly, the DWI Court could order treatment and testing and could go further by reinstating limited driving privileges.

“The best driver is a sober driver,” Sen. Justus said. “We cannot forget the other side of the equation – many of these repeat and high BAC drivers have a drinking problem. If the drinking problem is addressed, recidivism drops exponentially.”

Justus says the DWI Court is not intended to address first-time offenders.

“In speaking with those in the recovery community, the reinstatement of a limited license would likely attract many of the hardcore offenders. These are the people that make the newspapers with four convictions or some astronomical BAC. The DWI Court is aimed at people with an obvious drinking problem.”

Current law does not distinguish between a driver having a BAC of .09 (just above the state limit of .08) and those having a .25.

The state of Missouri already has a nationally recognized model in the Greene County DWI Court. Sen. Justus says the program is self-sustaining by charging participants for the cost. Moreover, Missouri currently has nine stand-alone DWI courts and 34 other drug courts that accept DWI offenders.

In 2008, 43 DWI court participants graduated in Missouri with only a single recidivist, resulting in a recidivism rate of two percent. In Michigan, a study of that state’s DWI Courts found that traditionally sentenced DWI offenders are 19 times more likely to be re-arrested for a DWI charge than those who participated in DWI Court.

In 2007, there were 12,609 charges filed for an initial DWI arrest in Missouri, 2,397 arrests for a second DWI offense and 1,863 arrests for a third DWI (persistent offenders). Sen. Justus notes the dramatic drop off from those arrested once for DWI and those arrested a second or third time, which suggests that hardcore impaired drivers are not deterred by punishment alone and are in need of treatment. She says that is why her legislation focuses on these persistent offenders.

“I want safe roads at the best cost to the taxpayer,” Sen. Justus said. “Substantial punishment mixed with an offer of recovery for serious offenders is the best and most economical option.”

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