

# Interagency **TASK FORCE** ON Drunk Driving

Colorado Department of Transportation  
September 26, 2008 - 9:00 am-Noon  
CDOT Auditorium

Interagency Task Force on Drunk Driving created by enactment of Senate Bill 06-192 whose mission is to:

***Investigate methods of reducing the incidence of drunk and impaired driving and to develop recommendations for the State of Colorado regarding the enhancement of government services, education and intervention to prevent drunk and impaired driving.***

## I. Introductions

### Members

- Pam Hutton, Chair
- Colonel Mark Trostel, Vice Chair
- Christine Byars
- Steve Hooper
- Thomas Quinn (Absent)
- Honorable Ed Casias
- Scott Schultz (Absent)

### Representatives

- Bill Young (Absent)
- Emily Tompkins
- Carolyn DeVries
- Jeanne McEvoy (Absent)
- Abe Hutt
- Paul Wood
- Chief Russell Van Houten
- Steve Findley (Absent)
- Steve Wrenn

### Others in attendance

- Glenn Davis
- Robin Rocke
- Melissa Nelson
- Dr. David Timken
- Kristen House
- Sgt. Dave Knoth, DPD
- Technician Dan Dunn, DPD
- Carole Walker
- Officer Dan Swint, DPD
- Sgt. Rich Coisman, DPD
- Bear Kay
- Karen Abrahamson

- Heather Halpape
- I. Introductions
  - A. There were no legislation sponsors remarks
  - B. There were no public comments
- II. Representative Recognition
  - A. Pam Hutton announced that Emily Tompkins' received the MADD Robert C. Shearouse Employee of the Year Award.
- III. Nomination for a new person under 24
  - A. Ana Richter, who was the Representative for members under 24 years old, is no longer serving on the Task Force. Ms. Richter has decided to take a year off from her studies.
  - B. Send all nominations to Robin Rocke. She will contact them and they will be invited to the next Interagency Task Force on Drunk Driving meeting
- IV. CDOT Legislation Report and Update
  - A. Discussion about the primary seatbelt legislation is a priority for the 2009 session
    - i. C. Stephen Hooper is considering asking the Interagency Task Force on Drunk Driving to support seatbelt legislation because as alcohol use goes up, seatbelt use goes down
    - ii. Melissa Nelson will invite all the seatbelt sponsors (when they are known) to the Interagency Task Force on Drunk Driving meetings
- V. Review of Public Affairs Proposal
  - A. Judge Casias, drafted a letter for the Interagency Task Force on Drunk Driving to review
    - i. The Interagency Task Force on Drunk Driving discussed the letter and proposed and approved changes to the letter
  - B. Pam Hutton made a motion to send the letter with changes by email and US mail to all legislators, the motion was seconded and was carried
  - C. Chief Mark Trostel, Colorado State Patrol made a motion to use the full formal task force name of Interagency Task Force on Drunk Driving whenever speaking or writing about the Interagency Task Force on Drunk Driving, the motion was seconded and was carried

VI. Sub-Committee Updates

A. Intervention

- i. No update

B. Victim Rights

i. LEAF Funding

1. Dan Dunn from Denver Police Department and other Law Enforcement Agencies attended this meeting, in support of the LEAF funding increase.
  - a. would increase fines from \$15 to \$30 and \$75 to \$150
  - b. the fines were set in 1983 and since then the rate of inflation has risen by 117.5% and the proposed increase is under the rate of inflation
  - c. the only proposed changes to the LEAF fund are the fines not the administration of the money
  - d. numerous agencies have worked on and support this proposal and are now asking for the support of the Interagency Task Force on Drunk Driving
2. Members of the Interagency Task Force on Drunk Driving had some concerns including what is the expected fiscal impact on other agencies.
3. Chief Trostel made a motion for the sub-committee to continue research the concerns that were raised and to move forward with the proposal and to re-present to the Interagency Task Force on Drunk Driving at the next meeting, the motion was seconded and the motion carried. Emily Tompkins the sub-committee chair agreed and will present again in November.

ii. SB140

SB08-140. Sponsors: Shaffer/Fischer. Alcohol Drug Tests After Accidents. Requires law enforcement officer to request and direct that a person involved in a traffic accident that results in the death or serious bodily injury of another person take a test or tests to determine the alcoholic or drug content of the person's breath, blood, saliva or urine. Provides that, at a trial for a criminal offense, the results of the test or tests are admissible only if the court finds probable cause, independent of the test results, to believe that the person was driving a motor vehicle while under the influence of alcohol or drugs.

1. The sub-committee supports the bill in essence but has questions regarding some issues & language in the bill
  - a. Section 1, line 9: Change "accident that results in death or serious bodily injury" to read "accident that results in death, or an officer acting on good faith can take a sample where there is concern for Serious Bodily Injury (SBI), once SBI is determined by a medical professional, that sample can be analyzed."

- b. Section 1, line 18: remove options to have breath, saliva, or urine as samples to be tested to ensure that blood testing is specifically used, and is regarded as the most accurate testing by Drug Recognition Experts.
  - c. If all drivers in a fatal/SBI accident are required to be tested, the fiscal impact and administrative impact could be large. Giving the officer the authority to determine the possible causes and to draw may be the solution.
  - d. Insert a clause to the effect if a person doesn't cooperate with the test Law Enforcement is authorized to take that sample, similar to vehicular homicide statute.
2. There was discussion among the members of the Interagency Task Force on Drunk Driving about whether this bill could be supported in any form. The decision was that the Interagency Task Force on Drunk Driving was not going to support/endorse this bill.
  3. Emily Tompkins as the sub-committee chair is going to contact the bill sponsors and provide them with the comments and suggestions that the members of the Interagency Task Force on Drunk Driving had about the bill. She is also going to invite them and the community member that brought the bill to the Interagency Task Force on Drunk Driving to the next sub-committee meeting to discuss the bill.

C. Ignition Interlock – HB 1166

HB08-1166. Sponsors: Judd/Hagedorn. DUI Offense Administrative Revocation. Repeals and reenacts, with amendments, the statute authorizing the department of revenue to revoke a person's driver's license due to the presence of alcohol or drugs in the person's system or the person's refusal to take a test to determine whether there is alcohol or drugs in the person's system. Relocates definitions relating to drug – and alcohol-related offenses

- i. The \$95 re-instatement fee has been rolled out
- ii. They currently have a compliance rate of 75%
- iii. 1166 implementation is moving forward

D. Systems Improvement

- i. Abe Hutt, Chairman of the Systems Improvement Sub-Committee, stated they are getting good feedback from everyone on 1166

E. Persistent Drunk Driver

- i. They are currently evaluating proposing dropping the persistent drunk driver BAC from .17 to .15
  1. They are working on gathering information but at this point they do not feel they have enough to proceed
- ii. Interesting statistics
  1. From 2001-2004 they looked at 13,000 offenders with an average BAC of .156

If they had an original BAC of .169 they re-offended after treatment  
If they had an original BAC of .155 they did not re-offend after treatment

Meeting adjourned.

Next meeting is scheduled for– November 21, 2008. At CDOT Headquarters, in the Auditorium from 9:00 am – noon.