Exhibit No. 6
Date 1-20-05
Bill No. SB 80

Dallas Erickson Testimony
SB 80 Open Container
Senate Judiciary Committee
January 20, 2005

Dear Mr. Chairman and Members of the Committee,

I am representing my family and Montana Family Coalition. I ask you to pass this important bill.

I spent eight years in law enforcement mostly in Montana but also two years in the state of Washington. Washington had an open container law while I was an officer and I believe that many of the arrests I made for open container literally saved lives on the road.

This law is just common sense. We ban smoking indoors in many of our communities because secondary smoke causes cancer. Anyone who has seen families torn asunder by a drunk driver knows that drinking drivers take the lives of many innocent people in this state. We should be wise enough to ban open containers to save families from this horror.

I made hundreds of arrests in the City in Washington where I started out in Law Enforcement. Most times the driver had been drinking but was able to pass the sobriety tests including a portable breathalyser. I was, however, able to get that driver off the road by taking him or her to the police station and taking bond or locking them up until a court hearing. We often seized their vehicle in situations where it appeared they were going to continue to drink and drive.

To gather evidence we would have to take the open containers out of the car and sit them on the hood or the roof to gather the evidence. Some looked like Christmas trees. In Washington law, at the time, we could seize all other alcohol, open or not, in the vehicle and put it in the evidence room until the trial was over. That deterred some from getting more drinks to finish their trip.

Many of these drinking drivers were passing through town on long trips and had enough alcohol in the vehicle and at the driver's immediate reach to allow the driver to soon be legally under the influence if left for him/her to continue to drink as they drove down the road. Who knows what would have happened down the road?

By delaying them through the arrest and by having their vehicle towed and seizing their alcohol we were able to cut down drastically on the number of drunk drivers continuing on through our town. If they were able to get back on the road soon and we were sure from their attitudes and statements that they were going to buy more booze we would notify a Sheriff's deputy who would be waiting for them to take them in again. Since many of these were from out of state a stop caused them to sit in jail over night until they got their bail.

When I was hired by the Lincoln County Sheriff's office in Montana I found that there was not a law against open containers and so as a consequence we had to let drivers continue their trip to Kalispell or Spokane who were on the verge of being legally intoxicated. We looked for other

reasons to get them off the highway but usually we had to let them go. More than once those drivers were involved in accidents before they got to Kalispell or the Idaho border. Some lives were lost because of this lack of tools in Montana to address this problem.

There is a slaughter happening on the highways in Montana. Montana law makers have been negligent in failing to address the problem giving credence to those who "want to drink a beer on the way home from work." I don't know how many drunk drivers I heard say that who had taken the life of someone else because of their drinking.

It is past time to do this. Lives could have been prevented years ago. I am generally opposed to laws that the Federal Government are forcing states to pass but this time the Feds are right and I am glad to see that they are insisting you pass this law. Statistics indicate passage of this bill will save lives. There would have been at least 6 less DUI deaths in 2003, for example according to statistics, with this law in place. In my opinion it would be more effective in Montana, if enforced, since we have so many open miles of road.

Please vote to pass this bill and consider adding a seizure of vehicle section in the law and a section allowing officers to seize unopened containers in the situation where some of them are open. It would be much more of a preventative. Thank you

Dallas D. Erickson
Montana Family Coalition
4479 Store Lane
Stevensville MT 59870
(406)777-5862