

**Dallas Erickson Testimony
HB 91 Open Container
Senate Judiciary Committee
March 15, 2005**

2
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HB 91

Mr. Chair 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 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. I have seen bodies strewn over the road and we all know of families torn asunder by drunk drivers and we know 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 if they were traveling through.

To gather evidence we would have to take the open containers out of the car and sit them on the hood or the roof. Some looked like Christmas trees. In Washington law we could seize all other alcohol, open or not, in the vehicle and put it in the evidence room until the trial was over. I understand that can be done in Montana, if this law passes. 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. Who knows what would have happened down the road?

By delaying them through the arrest and by seizing their unopened alcohol, as well, 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 down the road. Since many of these were from out of state a stop caused them to sit in jail over night until they could reach 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 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 very thing who had taken the life of someone else because of their drinking.

It is past time to do this. Lives could have been saved 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.

Please vote to pass this bill.

Thank you.

Dallas D. Erickson

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