MADD
Activism | Victim Services | Education™

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Date 4-5-05
Bill No. HB 374

**HB 374**

Mr. Chairman and Members of the Committee. For the record my name is Bill Muhs, from Bozeman. I am currently the Public Policy Liaison for MADD-Gallatin County. I am here today to testify in support of this very important bill.

MADD Chapters typically receive three major types of telephone calls. We get calls from victims seeking assistance. We get calls from citizens who are finding fault with local DUI cases. The third type of call we receive is from a distraught spouse concerning their husband or wife driving drunk with their children in the car. This frequently occurs from estranged spouses who must give up their child for visitation rights to an ex-spouse who drinks and drives with kids in the car. Or the spouse with custody continues to drink and drive. Last year, MADD victim advocates received over 17,000 such calls. These are not calls from victims but from potential victims.

Mothers Against Drunk Driving twice convened a panel of experts in the nations capitol to develop policy solutions to one of the nation's most pressing child endangerment problems: children riding in vehicles with impaired drivers. The Child Endangerment Report is based upon the recommendations of this expert panel and I will submit a copy for each member of the Committee.

As dangerous as it is, driving impaired with children in the vehicle is not a commonly acknowledged form of child endangerment or child abuse. Minor children often have no choice in whether they ride with an impaired driver. During the five year period of 1997-2001, approximately two-thirds of the children killed in alcohol-related crashes in the U.S. were riding in the same vehicle with the drinking driver. MADD strongly believes that the penalties for DUI cases with children involved should be much higher.

More than 35 states currently have statutes that create special sanctions for cases of DUI while transporting a child at the time of the offense. States either have created a separate offense or enhance an existing penalty. This bill does exactly that by doubling the current DUI penalties if a child is present in the vehicle. It also leaves the Child Endangerment Statute in its current form, at the request of prosecutors we have consulted in drafting this bill. This is not a feel good bill but legislation that will serve as both a deterrent for this dangerous behavior and restitution to society by those who are convicted of this crime.

Every child deserves a designated driver. Lets protect the kids of Montana by passing this bill. Thank you.

Bill Muhs
Public Policy Liaison
MADD-Gallatin County