

STATE OF RHODE ISLAND



Department of Behavioral Healthcare, Developmental Disabilities & Hospitals

OFFICE OF THE DIRECTOR

14 Harrington Road
Cranston, RI 02920-3080

TEL: (401) 462-3201

FAX: (401) 462-3204

TDD: (401) 462-6087

March 21, 2024

The Honorable Robert E. Craven, Sr., Chair
House Committee on Judiciary
State House
Providence, RI 02903

RE: 2024 – H 7631 – An Act Relating To Motor And Other Vehicles -- Motor Vehicle Offenses

Dear Chair Craven:

Please accept this letter of support for **H 7631** which extends the "lookback" period for repeat offenses involving driving under the influence of alcohol or drugs under § 31-27-2 and for repeat offenses related to failure or refusal to submit to chemical tests under § 31-27-2.1 from five to ten years.

Extended look-back periods have been adopted by a majority of states, following the enactment of the Transportation Equity Act for the 21st Century (TEA 21). Section 164 of the TEA 21 Restoration Act (1998-2003) provides that states would be subject to a transfer of funds if they did not apply certain minimum sanctions to offenders convicted more than once within a five-year period. To comply, states must have the ability to "look back" five (or more) years to determine whether enhanced sanctions should be applied. States that provide for shorter periods of time run a risk of treating repeat offenders as first-time offenders, possibly leading to inappropriate and ineffective treatment and sanctions.

Rhode Island is the only New England state with a "look back" period of less than 10 years. Connecticut, Maine, and New Hampshire have look-back periods of 10 years; Massachusetts and Vermont have lifetime look-back periods.

According to The National Highway Traffic Safety Administration (NHTSA), in 2021 there were 13,384 people killed in crashes involving alcohol-impaired drivers. This was a 14.2% increase from the 11,718 alcohol-impaired fatalities in 2020, accounting for nearly one-third of 2021 overall motor vehicle fatalities. Alcohol-related and drug-related impaired driving crashes are preventable incidents.

A 2014 NHTSA study which examined DWI recidivism found that "historically, drivers with prior DWI convictions have been overrepresented in fatal crashes, and the risk elevates for drivers with multiple DWI convictions." According to NHTSA, drivers with blood alcohol concentrations of .08 or higher who were involved in fatal vehicle crashes are four times more likely to have prior DWI convictions than are drivers with no alcohol level present. Based on last available estimates (2020, CDC), impaired driving fatal crashes cost an estimated \$123.3 billion per year in the United States.

Increasing the look-back period to 10 years will align Rhode Island's penalties for repeat DWI offenses with the majority of states, both regionally and nationally. When combined with other effective interventions for high-risk individuals, this longer look back period may result in fewer driving while impaired-related injuries and fatalities.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Leclerc". The signature is fluid and cursive, with a large initial "R" and "L".

Richard Leclerc
Director

cc: The Honorable Members of the House Committee on Judiciary
The Honorable Patricia A. Serpa
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy