

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
February 17, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:08 p.m., Tuesday, February 17, 1981, in Room 131 of the Legislative Building in Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Richard E. Blakemore, Chairman
Senator William Hernstadt, Vice Chairman
Senator Joe Neal
Senator Lawrence Jacobsen
Senator Clifford E. McCorkle
Senator Wilbur Faiss
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Fred Weldon, Senior Research Analyst
Kelly R. Torvik, Committee Secretary

SENATE BILL NO. 83

Murray Cohen from the Nevada Food and Beverage Association spoke in opposition to the bill. (See Exhibit C). He did agree that something must be done to get the drunk driver off the road. Mr. Cohen felt that Senate Bill 83 did not address the problem. He did not feel that legislation which did address the problem could be developed during the 1981 Legislative Session. He suggested that a sub-committee study the possibilities.

Senator Bilbray asked if the comparison of the amount of accidents in Massachusetts to the amount in Nevada, which was sited in Mr. Cohen's testimony, was established on a per capita basis. Mr. Cohen stated that it was not. He pointed out that New Hampshire, which has a slightly larger population than Nevada, has no penalties attached to its driving under the influence laws (DUI) laws and had nearly half of the fatalities that Nevada had in 1978. Senator Bilbray noted that Nevada has many more driving miles than New Hampshire.

Senate Committee on Transportation
February 17, 1981

Mr. Cohen stated that he has not seen any statistics that prove that stiffer penalties will reduce accidents.

In Mr. Cohen's testimony he suggested that off-duty police officers be hired to drive the drunk home as an alternative method of getting the drunk driver off of the roads. Senator McCorkle did not feel that such an alternative would be a solution to the DUI problem. Senator McCorkle stated that stiffer penalties are the only solution.

Senator Bilbray suggested that a tax be levied directly on each bottle of liquor sold to finance Mr. Cohen's proposal. Mr. Cohen asked how the state anticipated financing the increased number of offenders who would be incarcerated. Senator Bilbray stated that perhaps a beverage tax could be approved to finance increased prison and jail population.

Mr. Cohen stated that passage of Senate Bill 83 would lead to a five to ten percent reduction of patrons in taverns. This reduction could lead to the closing of many such businesses. Mr. Cohen felt that the bill must be accompanied by strict enforcement for it to be effective.

Senator Faiss asked Mr. Cohen if he considered that most of the liquor establishments in the state were open 24 hours when compiling his statistics. Mr. Cohen stated that he had not. The only relationship made was between the stiffness of the penalties and the number of traffic accidents that occurred in those states.

Mr. Cohen said that because there are few mass transit systems in the state people are going to drink and drive, regardless of the law. Senator Hernstadt pointed out that because of the serious penalties for the first offense DUI the offender would think twice before driving drunk again. Mr. Cohen did not agree.

Senator McCorkle felt that Mr. Cohen was contradictory. If tavern business would decrease five to ten percent then the drunk driver would be kept off the road to a certain degree. Mr. Cohen did not agree.

Ms. Estelle Latona, a victim of a drunk driver, spoke in opposition to the bill. She noted that most of the cases cited at the February 3rd meeting were results of repeat offenders. She stated that lack of enforcement is the major problem with present

Senate Committee on Transportation
February 17, 1981

law regarding DUI. She stated that Senate Bill 83, if approved, would decrease revenues from the liquor tax tremendously. Ms. Latona did support the section in the bill which provides for physical labor. She felt that the bill was unconstitutional because it takes away the discretion of the judge and jury. She also stated that the bill was aimed at the social drinker.

Senator Neal asked Ms. Latona, as a tavern owner, what responsibility she felt for patrons who frequent her establishment and get drunk. Ms. Latona stated that she would not serve the obvious drunk. She said that there is a problem though because some people do not become obviously drunk.

Senator Neal asked if bartenders should be supplied with a chart which would determine when a person is drunk. Ms. Latona did not feel that would be a good solution because the amount of alcohol a person can consume before getting drunk varies from person to person.

Ms. Latona pointed out that a person who drinks two or three drinks per day always has alcohol in their system. She stated that a small amount of alcohol can put them over the .10 level. Senator Neal noted that the blood alcohol level depends directly upon how long the test was taken after liquor had been consumed. He stated that the dissipation rate of alcohol is one ounce per hour. Ms. Latona did not agree.

Senator Hernstadt suggested that breath alcohol level test equipment be placed in the taverns to allow the patrons to test themselves before driving. Ms. Latona felt that this was a good idea but cost of the equipment may prohibit tavern owners to supply the equipment.

In regard to Ms. Latona's statement of the bill taking the discretion away from the judge and jury, Senator McCorkle pointed out that the bill only mandated minimum sentences and fines. Ms. Latona stated that because the bill prohibits plea bargaining and suspended sentencing it was taking away the discretion of the judge and jury.

Mr. Ed Anderson testified in opposition to the bill. He felt that it penalized the small tavern owner while the large casino owner should be punished for serving free drinks to patrons. He suggested that the committee meet with the large casino owners to work out a bill that is fair to all. He did not feel that there is equity under the law.

Senate Committee on Transportation
February 17, 1981

Senator Faiss questioned if the establishment that supplied the liquor should be responsible for the DUI. Mr. Anderson stated that California had proved that such an approach did not work.

Senator Hernstadt pointed out that he had been told at the February 3rd meeting that the tourists that were given free drinks to induce gaming were not the major DUI offender.

Senator McCorkle stated that he had not received any communication from casino operators in regard to Senate Bill 83. He has also received support of the bill from representatives of the liquor industry.

Mr. Bill Montgomery from the Teamsters Local 533 also spoke in opposition to the bill. He was concerned that because of the severe penalties of the first offense people would lose their transportation which is necessary for them to make a living. He stated that this could lead to social problems because the community will have to support the families of those who have lost their license and therefore their job for a first offense DUI conviction. He felt an amendment is necessary to allow a work license on the first offense. Mr. Montgomery stated that there is a possibility that the officer giving the blood alcohol level test could alter the results and there would be no check on him. He also felt that the wealthy and influential could avoid the penalties which are mandated in the bill. He asked the committee the ramifications of requiring jail sentences for young inexperienced drivers.

Senator McCorkle pointed out that the law was intended to be amended to state that after three years the DUI charge will be dropped from a driver's record. He explained that the committee is hearing testimony in order to determine what amendments need to be made. He suggested that if the legislation would effect the jobs of teamsters then there must be a need for the legislation. Mr. Montgomery stated that the teamsters have one of the safest driving records.

Senator Faiss asked if raising the fines would deter the drunk driver. Mr. Montgomery felt that would be effective. He also stated that work programs are effective but allows the driver to keep his job. Senator Faiss stated that cases tried in North Las Vegas had received large fines and have not repeated the offense.

Senate Committee on Transportation
February 18, 1981

Mr. Montgomery stated that this DUI is a national problem and the public attitude accepts drinking and driving. He also noted that people in the rural counties could not survive such legislation.

Mr. James Rice, Teamsters Local 631, was also concerned about the minimum penalties for the first offense. He did feel that it is essential to have stiffer penalties for the habitual DUI.

Senator Jacobsen asked what should be done with the first offender who causes an accident or fatality. Mr. Rice felt that decision should be left to the judge hearing the case. Senator Bilbray believed that an accident related DUI is provided for under a statute other than 484.379.

Senator McCorkle asked Mr. Rice if his union would accept the bill if it were amended to allow the first offender driving privileges. Mr. Rice stated that the union is divided but as an individual he believed that would be reasonable.

Mr. Claude Evens from the AFL-CIO testified on the ramifications of the strict penalties for a first offense DUI. He stated that he was not supporting drunk driving but a distinction must be made between the social and habitual drinker. He also asked the committee to amend the bill to allow for a work permit on the first offense. He felt if the judges weren't enforcing the current laws that the judges should be replaced. He did not feel that legislation should mandate the penalties.

Senator McCorkle asked Mr. Evens if he would support the bill if it were amended to allow for driving permits on the first offense. Mr. Evens stated that it would much more acceptable with such an amendment.

Dennis Belcourt spoke in opposition to Senate Bill 83. He did not feel it was the right approach in order to deter DUI offenses. He stated that certainty of punishment and strict enforcement were necessary to deter the drunk driver. He felt that public education was also necessary to get the drunk driver off the road. Mr. Belcourt felt that the bill gives too much discretion to the arresting officer and prosecuting attorney. Two additional points that Mr. Belcourt made in opposition to the bill were costs of incarceration and the ramifications of prison life.

Senate Committee on Transportation
February 17, 1981

Mr. John Barriage was opposed to the legislation. He didn't feel that the bill addressed the DUI problem. He referred to the statistic that two of every seven DUI arrests are convicted. He believed that statistic was very inaccurate. He also noted that upon a second offense a driver may refuse to take the blood alcohol test in order to avoid more severe penalties. He felt that funding should be directed towards enforcement. He suggested that a beverage tax be applied towards increased enforcement and awareness.

Mr. Robert Keck, Chairman of the Board of Directors of the Las Vegas Restraunt and Tavern Owners Association and President of the Nevada Food and Beverage Association, asked why his associations were not notified or asked to participate in the drafting of the bill. He noted that the National Licensed Beverage Association manual stated that most accidents that cause death are due to a first offender DUI. Mr. Keck felt that education is an effective solution to the DUI problem. He suggested that stringent fines are not imposed until the second offense DUI. He noted that 50 percent of the whiskey sold in the state is for home consumption. Mr. Keck told the committee he would like to help them come up with a more feasible form of legislation to deter the DUI.

Senator Hernstadt suggested that Mr. Keck's associations work with media to develop public services messages in a campaign to stop drunk driving. Mr. Keck stated that public service messages are currently being broadcast in the Las Vegas area addressing the problem. He suggested that DUI penalties be reduced on the first offense and increased on the second.

Mrs. Ray Ceccarelli stated that Senate Bill 83 was drafted with the input of citizens, law enforcement agencies, rehabilitation agencies, legislators, attorneys. She asked the committee not to allow the DUI offender to be protected any longer.

Ms. Judy Garnett from the Churchill Council on Alcohol and Drugs supported that bill with one exception. She noted that on the second offense the bill mandates treatment by a certified physician. Historically, physicians do not the alcoholic's disease, only the symptoms. She suggested that certified substance abuse counselors be included in this section. She stated that penalties will most likely not help the alcoholic. She suggested that treatment be offered on the third offense as well as the second. She believed that present laws are good enough

Senate Committee on Transportation
February 17, 1981

to force the drunk driver off the road. She supported industry getting involved in a program to treat employees for alcoholism. She felt that the threat of an alcoholic losing his job would force him to face his problems. She stated that the courts that require rehabilitation to an offender are not following up on the cases and requiring attendance.

Senator Hernstadt stated that the DUI is not taken seriously until there is a fatality. He questioned how the public can be made aware that it is a serious problem. Ms. Garnett stated that money would be required to increase public awareness. Senator Blakemore noted that there is a bill in the legislature that would direct more money to rehabilitation.

Ms. Garnett stated that even though an alcoholic will not admit he has a disease rehabilitation programs still have a positive effect.

There being no further business, the meeting adjourned at 4:20 p.m.

Respectfully submitted by:


Kelly E. Torvik

APPROVED:


Senator Richard E. Blakemore
Chairman

Dated: 2/23, 1981

SENATE AGENDA

COMMITTEE MEETINGS

Committee on Transportation, Room 323.

Day Tuesday, Date February 17, Time 2:00

S. B. 83--Increases punishment for driving under influence of intoxicants.

S. B. 84--Increases maximum speed limit on Nevada highways.

S. B. 85--Excludes certain convictions for speeding from demerit points system and prohibits insurance rate increase therefor.

S. B. 196--Excludes certain convictions for speeding from system of demerit points and revises certain related penalties.

SENATE COMMITTEE ON _____

EXHIBIT B

DATE: _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

B. J. Smith	A.P.A.	8265300
Adelle G. ...		972-8282
Bill Montgomery	Transit Local 533	358 1814
BOB McDonald		883-4851
Tracy McDonald		
Don Nichols	Concerned Citizen	825-2198
Mary Nichols	" "	" "
Kathie Wiles		
Heidi Heggie		
Christie Nelson	Inter for Assemblyman Davis	
Margaret Britton		
Kathleen Britton		
Jeanne Britton		
Bob Lippold		883-1557
Richard ...		
Jill Blankinship		
Jane ...		
Walter ...		
Lois Little		358-2334

SENATE COMMITTEE ON _____

DATE: _____

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
<i>Marcus Moore</i>	<i>CWU</i>	<i>323-3625</i>
<i>ROBERT W ICELIK</i>	<i>NEW FOOD & BEV ASSOC</i>	<i>872-5570</i>
<i>Estelle Keton</i>	<i>Hengmann Tree</i>	<i>853-5870</i>
<i>Grace Bordum</i>	<i>6 Lane Circle</i>	<i>842-3621</i>
<i>Jan Leving</i>	<i>Intern - Bureau</i>	<i>764-447</i>
<i>Lucy Smith</i>	<i>Church of Christ in Lincoln & Nebraska</i>	<i>423-6048</i>
<i>John Quinn</i>	<i>LAMPLIGHTER'S LOUNGE C.C.</i>	<i>883-6226</i>
<i>Jimmie Hughes</i>	<i>P.O. Box 2235 CE, NY</i>	<i>883-9661</i>
<i>Ed Shields</i>	<i>30 1/2 St. C.C.</i>	<i>882-9231</i>
<i>Ernie Wilson</i>	<i>New Assn of Counties</i>	<i>483-7763</i>
<i>Pauline</i>	<i>United Church Women</i>	
<i>Nathaniel Goodhue</i>	<i>Public Box 467 C.C.</i>	<i>882-4935</i>
<i>Sam Smith</i>	<i>KOH Radio</i>	
<i>John S. Miller</i>	<i>W.M.C.O. - Council</i>	<i>5-2-7720</i>
<i>Bernice Bennett</i>	<i>2910 S. Hwy</i>	<i>255-9935</i>
<i>Joe Reid</i>	<i>Burlington 11331 Solway</i>	<i>823-2095</i>
<i>Lee Allen</i>	<i>for Cycle</i>	<i>2-3573</i>
<i>Knott</i>	<i>New Am Soc</i>	<i>885-4220</i>
<i>Willie Bennett</i>	<i>589 Appleton NY</i>	<i>882-0294</i>
<i>Virgil Anderson</i>	<i>Ormsby House</i>	<i>882-1890</i>
<i>Brian Hill</i>	<i>Ormsby House</i>	<i>882-1890</i>
<i>TIMOTHY H</i>	<i>NVDOOT</i>	<i>887-5440</i>
<i>1</i>		

SENATE COMMITTEE ON _____

DATE: _____

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Jessie Grant	Church Women United	323-7084
Ronald Beard	" " "	323-8447
Marie Hancock	" " "	329-2177
Frank Ketchum	" " "	329-8581
Dr. J. Trullinger	" " "	826-1503
Jean Lovell	" " "	825-8318
Oliver Coon	NFLA AFL-CIO	882-7490
Debra Ebsen	CLIA Local 9413	882-3552
Ramona Gabel	C. Unlimited	348-6382
A. G. Hunsford	Transit 2222	385-1415
Lois Finner	St. George Hosp.	322-6576
Murray D. Cohen	Nevada Food & Beverage Ass'n.	882-9792
Marvin L. Lewis	" " " "	882-8758
Walter D. Brown	Devi's Service Division	875-5500
ED IRVIN	FIRST BAPTIST CHURCH BOX 786 RENO	# 323-7141
Earl Hatch	BAR OWNER	883-9433
Samuel Jacob	—	786-0656
Tim O'Neil	CASA Verde Rest. Inc. Reno	883-8186
Walter B. Bell	1430 Cherry Lane Reno	853-2329
Wesley Owen	1801 Church Women United	329-5248
Walter K. King	1432 N. Nevada Blvd. Reno	895-2211
Ronald Beck	1400 S. Virginia St. Reno	329-5014
Bruce L. Turner	589 Jefferson St. Reno	883-5294

SENATE COMMITTEE ON _____

DATE: _____

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Betty Westenskiel	Church Women United Reno	
Glenn Deane	St John's Pres. Reno	
Leslie Butler	St John's Presb. 1070 W. Plumb Reno	826-0990
David L. Anderson	Stewart Community Baptist	882-0622
Ray E. Wigand	Church of the Nazarene 105 Pintal, Carson City	747-0864
John Bannigan	Intern, Roggin	
James K. Rice	Teamsters 631 307 Wall St LV	385 1455
Ralph Stephens	1139 Hamway Reno	
Walter	P.O. 338 Reno NV 89504	781-6451
Walter Haight	35 Lincoln Park Y. C. E.	882-1924
Nancy Fournier	College Lane Reno	882-3631
Kevin Brewer	Intern Assemblyman Nevada	
Deane Levin	600 Hunter Blvd. - Reno, 89509 Church Women United	322-3668
Joan Furr	170 KROANTZ Ln. + 177 CE NV	882-2057
Dan Picotti	614 John Fremont Dr. Reno	322-6382
Sigrid Picotti	" " " " "	"
Joe Lee	7-427-BAR 428-Casa	882-7505
Jean Mann	2115 Yuna Lane Reno	786 3780
Tom Dreyer	Church Women United	322-4167
Dorothy Miller	1420 Remick, Reno	
D ANDRADE	3235 BERREMONT RD Reno	747-6305
Stormy Richard	1400 RANGER Rd	329-3014

SENATE COMMITTEE ON _____

DATE: _____

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Isabel L. Rosen	(Council of J. C. [unclear]) 332 Smithridge Pk. [unclear]	825-4918
Leta Boardman	Church Women United [unclear] 450 on SB 83	
Veronica B. Taylor	Church Women United [unclear] 114 SE-83	322-4386
[unclear]	[unclear]	43-2883
[unclear]	[unclear]	552-6009
[unclear]	[unclear]	552-1706
Mrs. [unclear]	115 Greenwood [unclear]	
Ed. [unclear]	3017 emp - 14015 Rhylite Cr - New	551-3739
John H. [unclear]	777 E. Williams Court 207 MEL CIO	822-7480
FRANK BYRNE	N. Nex BUILDING TRADES	332-3361
Ray [unclear]	115 Greenwood [unclear]	452-2265
Jerry Maple	Mind on Nev	782-2211
Mrs. Capt. D. Patrick	The Salvation Army	747-4336
Mrs. Corrie [unclear]	Col. Spas. Colo.	
Capt. [unclear]	The Salvation Army	322-6937
Dennis Belcourt	In term	
DENNIS A. DREY	NEVADA DEPT. OF TRAVEL	5900
Robert Jacobson	Committee [unclear] V.C	847-0626
[unclear]	[unclear]	[unclear]
[unclear]	Alliance American [unclear] 160 [unclear] 413	362-0870
Dick [unclear]	Farmers [unclear]	887-1890
M/M [unclear]	2230 El Rancho	813-1110
Alice L. Shaw	Church Women United	SB-83
Eleanor Buck	" " "	322-2322

SENATE COMMITTEE ON _____

DATE: _____

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Ana Cardena		747-2175
Neena Almaraz		352-6844
Debrah Alvarado		825-7142
Mauna Baker		329-5882
J.S. Sullivan		3845880
James H. ...		225-45-7
James ...		
David ...		323-7877
Henry ...		328-8026
Robert ...		323 7977
Ken ...		223-2422
Kim Stoll	Intern for Paul Pirngamun	
Arita ...	507 Alaba Way ^{Sunny Valley} _{Sparks Nevada}	673-3074
Sean M. Kim	Intern	826-8266

GOOD AFTERNOON GENTLEMEN, I AM MURRAY COHEN SPEAKING ON BEHALF OF THE NEVADA FOOD AND BEVERAGE ASSOCIATION. SINCE OUR LAST MEETING, I HAVE HAD AN OPPORTUNITY TO DO SOME INDEPENDENT RESEARCH AND I BELIEVE THE FACTS I HAVE UNCOVERED WILL HAVE A SIGNIFICANT EFFECT UPON YOUR DECISION AS IT RELATES TO S.B. 83.

1. FROM PREVIOUS TESTIMONY, WE LEARNED THAT 25 STATES FOLLOW THE UNIFORM VEHICLE CODE IN AUTHORIZING A MAXIMUM ONE YEAR CONFINEMENT. 14 STATES HAVE A MAXIMUM CONFINEMENT PERIOD IN EXCESS OF ONE YEAR. ACCORDING TO THE NATIONAL SAFETY COUNCIL, IN 1978, ONLY 4 OF THOSE STATES HAD FEWER TRAFFIC FATALITIES THAN THE STATE OF NEVADA. THE STATE OF NEW HAMPSHIRE WHICH HAS DELETED ALL PENALTIES FROM THEIR DRUNK DRIVING LAWS HAD ONLY 171 TRAFFIC FATALITIES FROM ALL CAUSES.

2. AGAIN, ACCORDING TO THE NATIONAL SAFETY COUNCIL, WE MUST CONCLUDE THAT 21 OF THE ABOVE MENTIONED STATES HAD MORE FATALITIES THAN NEVADA; AND, THE STATE OF MASSACHUSETTS, WITH A TWO YEAR MAXIMUM JAIL SENTENCE HAD ALMOST THREE TIMES AS MANY TRAFFIC FATALITIES.

3. NO STATE WHICH HAS LAWS HARsher THAN THE UNIFORM VEHICLE CODE HAD FEWER FATALITIES THAN NEVADA.

4. THE 1978 STATE OF NEVADA DEPARTMENT OF TRANSPORTATION SUMMARY OF ALL VEHICLE ACCIDENTS ENCOMPASSING PROPERTY DAMAGE, INJURY ACCIDENTS AND FATAL ACCIDENTS CON-
CLUDED THAT D.U.I.'S ACCOUNTED FOR ONLY 7.6% OF THE TOTAL WHILE 16.65% WAS DUE TO EXCESS SPEED AND FAILURES TO YIELD ACCOUNTED FOR AN ADDITIONAL 23.55%.

PAGE TWO

5. AGAIN, AT THE LAST HEARING, ACCORDING TO THE DEPARTMENT OF LAW ENFORCEMENT ASSISTANCE THERE WERE 13,812 D.U.I. ARRESTS IN THE STATE OF NEVADA IN 1978. FROM MY EXPERIENCE AS A BAR OWNER, I WOULD CONSERVATIVELY ESTIMATE THE NUMBER WHO GOT AWAY WAS PROBABLY 10 TIMES THAT FIGURE. SO THAT ON A CONSERVATIVE ESTIMATE, THERE WERE PROBABLY 138,120 PEOPLE WHO QUALIFY UNDER EXISTING LAWS OF DRIVING UNDER THE INFLUENCE OF ALCOHOL. SINCE THERE WERE IN 1978 - 121 DRIVING FATALITIES WHERE THE PRESENCE OF ALCOHOL WAS IN THE BLOOD, WE MUST CONCLUDE THAT LESS THAN 1% OF DRINKING DRIVERS ARE INVOLVED IN VEHICULAR FATALITIES.

6. THIS STATISTIC IS CONSIDERABLY LESS THAN THOSE PRODUCED BY THE NATIONAL SAFETY COUNCIL RELATING TO SEX, AGE, HIGHWAY CONDITIONS AND OTHER FACTORS.

7. THE LAST HEARING I STATED THAT THERE WAS NO PROOF PRESENTED AS TO THE EFFECTIVENESS OF MORE STRINGENT D.U.I. LAWS. SINCE THAT TIME, AN INTERESTED OUTSIDER HAS COME UP WITH SOME OVERWHELMING FACTS. THE SUNDAY EDITION, FEB. 8, 1981, OF THE NEVADA APPEAL DEVOTED TWO THIRDS OF PAGE A-6 TO A LETTER FROM MR. JIM GARRETT OF CARSON CITY. MR. GARRETT MAKES THE FOLLOWING OBSERVATION BASED UPON THE STUDIES OF MCBAY IN 1972 AND PERRICE, ETAL, 1971; "THE STUDIES ON ALCOHOL USE AND TRAFFIC ACCIDENTS HAS OVER THE YEARS CONSISTENTLY PRODUCED THE CONCLUSION THAT APPROXIMATELY HALF OF THE TRAFFIC DEATHS OCCURRING ON OUR HIGHWAYS HAVE INVOLVED DRINKING DRIVERS. THESE STUDIES DO NOT CONCLUDE THAT THE FATALITIES WERE DUE ENTIRELY TO DRUNK DRIVERS..." FURTHER, MR. GARRETT BASING HIS CONCLUSIONS ON THE STUDIES MADE BY PERRINE, ETAL, 1971 AND BRENNER AND SELZER, 1969, CONCLUDES "BAC LEVELS BELOW .10 PERCENT HAVE BEEN SHOWN BY EPIDEMIOLOGICAL STUDY, NOT TO HAVE A SIGNIFICANT CASUAL (SIC) RELATIONSHIP TO CRASH INVOLVEMENT (ZYLMAN, 1972)

PAGE THREE

8. THE ENTIRE THRUST OF S.B. 83 IS TO THE ASSUMPTION THAT MASSIVE ARRESTS AND STIFFER PENALTIES WILL ALLEVIATE THE PROBLEM OF TRAFFIC FATALITIES DUE TO D.U.I.'S. AGAIN, WITH REFERNECE TO MR. GARRETT'S LETTER; "\$88 MILLION WERE SPENT IN CONCENTRATED ALCOHOL SAFETY ACTION PROGRAMS IN 29 AREAS OF THE UNITED STATES IN AN EFFORT TO COMBAT THE DRINKING/DRIVING PROBLEM, THE SUBSEQUENT EVALUATION OF THAT EFFORT (ZABOR, 1974) REFUTES ANY CLAIM FOR SUCCESS. . TO BE SPECIFIC, "THE AUTHORS OF THE OFFICIAL EVALUATION REPORT (U.S. DEPARTMENT OF TRANSPORTATION, 1974) WERE CORRECT; THERE WAS NO EVIDENCE OF A POSITIVE RELATIONSHIP BETWEEN ALCOHOL-RELATED ARREST ACTIVITY AND A DECREASE IN NIGHTTIME FATAL CRASHES." (SEE ZYLMAN, ALCOHOL, DRUGS AND TRAFFIC SAFETY-PROCEEDINGS OF THE SIXTH INTERNATIONAL CONFERENCE ON ALCOHOL, DRUGS AND TRAFFIC SAFETY, 1974).

9. ALTHOUGH, THE CASE HISTORIES PRESENTED AT THE LAST HEARING TENDED TO INDICATE THAT THE KILLER DRIVER WAS A MULTIPLE OFFENDER, MR. GARRETT OFFERS PROOF TO THE CONTRARY. CITING THE STUDIES OF PLEZ AND SCHUMAN IN 1973, PLEZ, ET AL, IN 1975, ZYLMAN, IN 1973, FILKINS ET AL, IN 1970 AND PERRINE ET AL IN 1971; "THE VAST MAJORITY OF THOSE APPEARING IN COURT TO FACE A CHARGE OF D.U.I. ARE MORE LIKELY TO EXPERIENCE LOW SPEED REAR END COLLISIONS, SIDESWIPES AND CLIPPING OF PARKED CARS. THE 'KILLER' DRIVER ON THE OTHER HAND IS MORE LIKELY TO KILL WHILE DRIVING AT HIGH SPEED". HE ALSO APPEARS TO BE LESS LIKELY TO HAVE A RECORD OF PRIOR ARRESTS AND FEWER PRIOR COLLISIONS THAN THE TYPICAL D.U.I. DEFENDANT."

ALL OF THE ABOVE, GENTLEMEN, DOES NOT ELIMINATE THE FACT THAT A TRUE PROBLEM EXISTS. IT DOES PROVE THAT S.B. 83 IS NOT THE PROPER SOLUTION. IF WE ARE GOING TO COMBINE VENGEANCE FOR PAST OFFENSES WITH THE SINCERE DESIRE TO PREVENT FUTURE OFFENSES, WE ARE DOOMED TO FAILURE. THERE IS NOTHING WE CAN DO ABOUT AVENGING PAST INJUSTICES;

PAGE FOUR

THERE IS CERTAINLY SOMETHING WE CAN DO TO PREVENT FUTURE CATASTROPHIES. THE KEY IS TO KEEP THE "DRUNK" DRIVER OFF THE ROAD. I SUGGEST THE STATE FUND LOCALLY CONTROLLED PROGRAMS TO EMPLOY OFF DUTY POLICE OR SHERIFF'S DEPUTIES IN TWO MAN UNITS (WEARING CIVILIAN CLOTHES, USING UNMARKED VEHICLES) TO COURTEOUSLY "DRIVE THE DRUNK HOME". THE IMMEDIATE EFFECT OF THIS PROGRAM WOULD BE, (1) TO PROVIDE MOONLIGHTING OPPORTUNITIES TO MEMBERS OF OUR COMMUNITY WHOSE DEDICATION IS UNSURPASSED YET WHO ARE CONSISTENTLY UNDERPAID; (2) SIGNIFICANTLY REDUCE THE NUMBER OF FATALITIES AS WELL AS PROPERTY DAMAGES AND OTHER INJURIES ASSOCIATED WITH D.U.I.'S; (3) REDUCE INSURANCE RATES AS A RESULT OF FEWER ACCIDENTS; AND (4) RELEASE OUR POLICE FORCES TO DO OTHER MORE IMPORTANT THINGS.

THANK YOU FOR THE OPPORTUNITY TO PRESENT THESE FACTS ON BEHALF OF THE INDUSTRY WHICH IS OF MAJOR IMPORTANCE TO THE WELL BEING OF THE STATE OF NEVADA.

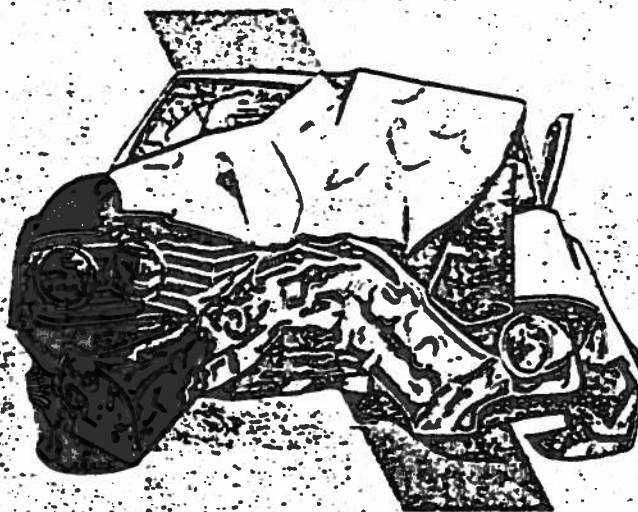
DEVELOPED FROM THE STATISTICS PRINTED IN

THE 1979 NATIONAL SAFETY COUNCIL SURVEY

STATE	1ST OFFENSE MAX. PENALTIES		1978 MOTOR VEHICLES TRAFFIC
	PRISON	FINE	DEATHS - NO. OF FATALITIES
ALABAMA	1 YEAR	1,000	1169
ALASKA	1 YEAR	1,000	127
ARIZONA	6 MONTHS	300	1026
ARKANSAS	30 DAYS	500	571
CALIFORNIA	6 MONTHS	500	5296
COLORADO	1 YEAR	1,000	713
CONNECTICUT	6 MONTHS	500	456
DELAWARE	6 MONTHS	1,000	126
FLORIDA	6 MONTHS	500	2305
GEORGIA	-	-	1490
HAWAII	1 YEAR	1,000	195
IDAHO	6 MONTHS	300	330
ILLINOIS	1 YEAR	1,000	2166
INDIANA	6 MONTHS	500	1310
IOWA	1 YEAR	1,000	650
KANSAS	1 YEAR	500	572
KENTUCKY	-	500	893
LOUISIANA	6 MONTHS	400	1092
MAINE	90 DAYS	1,000	235
MARYLAND	1 YEAR	1,000	728
MASSACHUSETTS	2 YEARS	1,000	855
MICHIGAN	90 DAYS	100	2076
MINNESOTA	90 DAYS	100	980
MISSISSIPPI	1 YEAR	1,000	784
MISSOURI	3 MONTHS	50	1213

STATE	1ST OFFENSE MAX. PENALTIES		1978 MOTOR VEHICLES TRAFFIC
	PRISON	FINE	DEATHS - NO. OF FATALITIES
MONTANA	6 MONTH	500	271
NEBRASKA	3 MONTHS	100	350
NEVADA	-	-	312
NEW HAMPSHIRE	DELETED PENALTIES		171
NEW JERSEY	3 MONTHS	500	1157
NEW MEXICO	90 DAYS	200	661
NEW YORK	1 YEAR	500	2525
NORTH CAROLINA	6 MONTHS	500	1510
NORTH DAKOTA	30 DAYS	100	185
OHIO	6 MONTHS	1,000	2048
OKLAHOMA	1 YEAR	300	920
OREGON	1 YEAR	1,000	721
PENNSYLVANIA	3 YEARS	100	2137
RHODE ISLAND	1 YEAR	500	108
SOUTH CAROLINA	30 DAYS	100	898
SOUTH DAKOTA	90 DAYS	300	194
TENNESSEE	1 YEAR	500	1252
TEXAS	2 YEARS	500	3970
UTAH	6 MONTHS	299	374
VERMONT	1 YEAR	125	127
VIRGINIA	6 MONTHS	1,000	1080
WASHINGTON	1 YEAR	500	1004
WEST VIRGINIA	6 MONTHS	500	467
WISCONSIN	-	-	998
WYOMING	30 DAYS	100	241
DISTRICT OF COLUMBIA	6 MONTHS	500	51

**1978
NEVADA
FATAL TRAFFIC ACCIDENT
REPORT**



**PREPARED BY
STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
PLANNING SURVEY DIVISION
SAFETY SECTION
IN COOPERATION WITH
NEVADA DEPARTMENT OF MOTOR VEHICLES
AND
THE FEDERAL HIGHWAY ADMINISTRATION**

UNIFORM VEHICLE CODE

Under the Uniform Vehicle Code, a person convicted of driving under the influence may be imprisoned for not less than ten days nor more than one year on a first conviction, and for not less than 90 days nor more than one year on any subsequent conviction.

Twenty-five states follow the Uniform Vehicle Code in authorizing a maximum one-year confinement. Fourteen states have a maximum period of confinement for driving while under the influence of greater than one year. Twelve states, including Nevada, have a maximum period of confinement of less than one year.

ARRESTS AND CONVICTIONS

The Department of Law Enforcement Assistance indicates that there were 13,812 DUI arrests in 1978. The department only shows 2,704 charged with the offense and 928 found guilty of the DUI charge. Mr. John Compston, with the Department of Law Enforcement Assistance, advises that the reporting of about 4,000-5,000 DUI cases "falls between the cracks" each year. The Department of Motor Vehicles can account for 9,274 DUI convictions during 1978.

According to the court clerk's office in Washoe County, the DUI convictions there in 1978 resulted in \$159,623. In Clark County during 1978, the court clerk estimates that two-thirds of their "DUI" convictions are reduced to reckless driving and that if the remaining one-third receive a fine it would probably be no more than \$150.00.

PLEA BARGAINING

According to an article in the Nevada Appeal December 22, 1980, banning plea bargaining does "not" bog down the courts. Alaska has banned plea bargaining, however, it is still allowed in all the other states. A study funded by the National Institute of Justice, said that the state's experiment with plea bargaining which began in 1975 contradicted the views of most people that defendants would not plead guilty causing a huge backlog of court cases. "Court processes did not bog down," the study said. Although there was a big increase in the trial rate--97 percent in Anchorage, for example--the caseload did not become unmanageable. Defendants continued to plead guilty at about the same rate as before.

FATAL ANALYSIS

January-September 1978

I. Fatal Accidents - 216
Persons Killed - 250

Fatalities are ^{up} ~~down~~ 48-19.2% over the same period of 1977

II. Fatality Identification

				Age				
a. Male	- 180	72.0%	Under 16	- 22	8.8%	35-44	- 31	12
b. Female	- 70	28.0%	16-20	- 45	18.0%	45-54	- 26	10
c. Resident	- 179	71.6%	21-24	- 48	19.2%	55-64	- 19	7
d. Non-Resident	- 70	28.0%	25-34	- 44	17.6%	65 up	- 16	6

The Non-Residents were from:

California--53 Washington--1
Florida--2 Germany--1
Idaho--1 Unknown--1
Oregon--2
Taiwan--1
Utah--9

Persons Wearing Seatbelts - 9 4.4%
Persons Ejected From Vehicle - 99 48.8%

III. Responsible Driver Identification

				Age				
a. Male	- 167	77.3%	Under 16	- 2	1.0%	35-44	- 27	12.5%
b. Female	- 48	22.2%	16-20	- 45	20.8%	45-54	- 22	10.2%
c. Resident	- 162	75.0%	21-24	- 45	20.8%	55-64	- 17	7.9%
d. Non-Resident	- 53	24.5%	25-34	- 45	20.8%	65 up	- 12	5.6%
Hit and Run	- 1	1.0%						

Responsible Driver Wearing Seatbelts - 13 7.7%
Responsible Driver Ejected - 73 43.2%

IV. Collision Type

a. Single-Vehicle - 134 62.0%
b. Multiple-Vehicle - 82 38.0%
c. Pedestrian - 20 9.3%
d. Motorcycle - 23 10.7%
e. Pedecycles - 4 1.9%
 Moped - 2 1.0%
 Animal - 1 1.0%

(no helmet 2 out of 27 deaths)

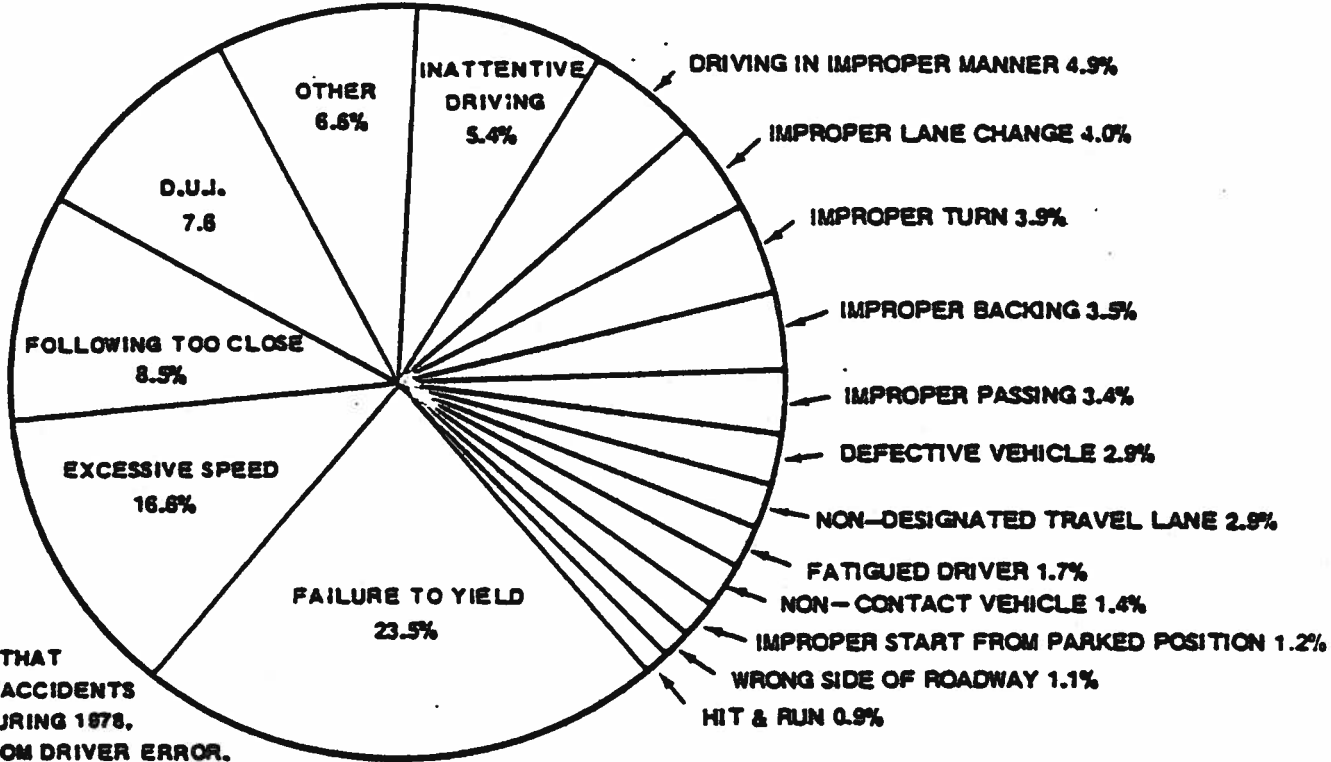
V. Location

a. Carson City 7 3.2% 4 NHP 3 CCSO
b. Churchill 7 3.2% NHP
c. Clark 95 44.0% 38 NHP 44 LVM 6 NLV 3 HPD 3 BCPO 1 NPS
d. Douglas 4 1.9% 3 NHP 1 BIA
e. Elko 16 7.4% 13 NHP 2 ECSO 1 BIA
f. Esmeralda 2 1.0% NHP
g. Eureka 1 1.0% NHP
h. Humboldt 8 3.7% 7 NHP 1 HCSO
i. Lander 2 1.0% 1 NHP 1 LCSO
j. Lincoln 2 1.0% NHP

1978 STATEWIDE TRAFFIC ACCIDENTS

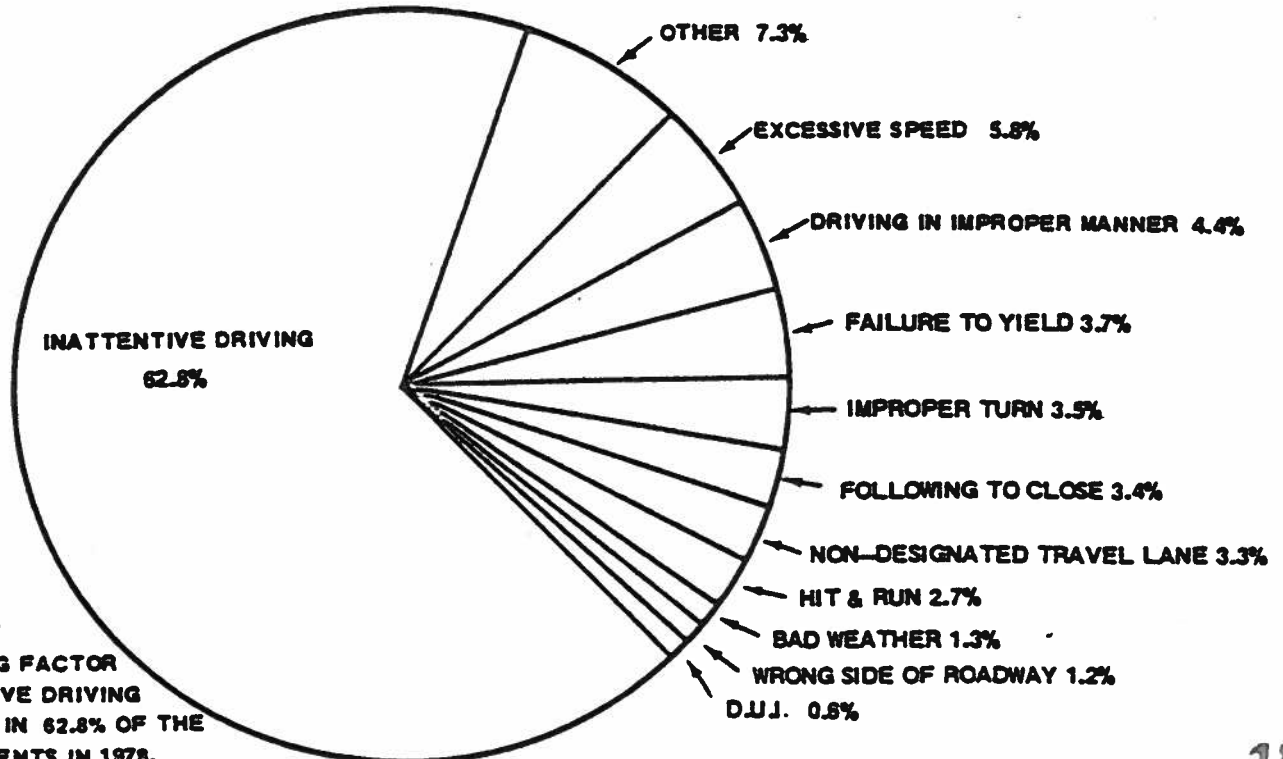
MAJOR CONTRIBUTING FACTORS IN 1978 STATEWIDE TRAFFIC ACCIDENTS

1st CONTRIBUTING FACTOR IN 1978 STATEWIDE TRAFFIC ACCIDENTS



THIS GRAPH ILLUSTRATES THAT 90.5% OF THE ACCIDENTS IN NEVADA, DURING 1978, RESULTED FROM DRIVER ERROR.

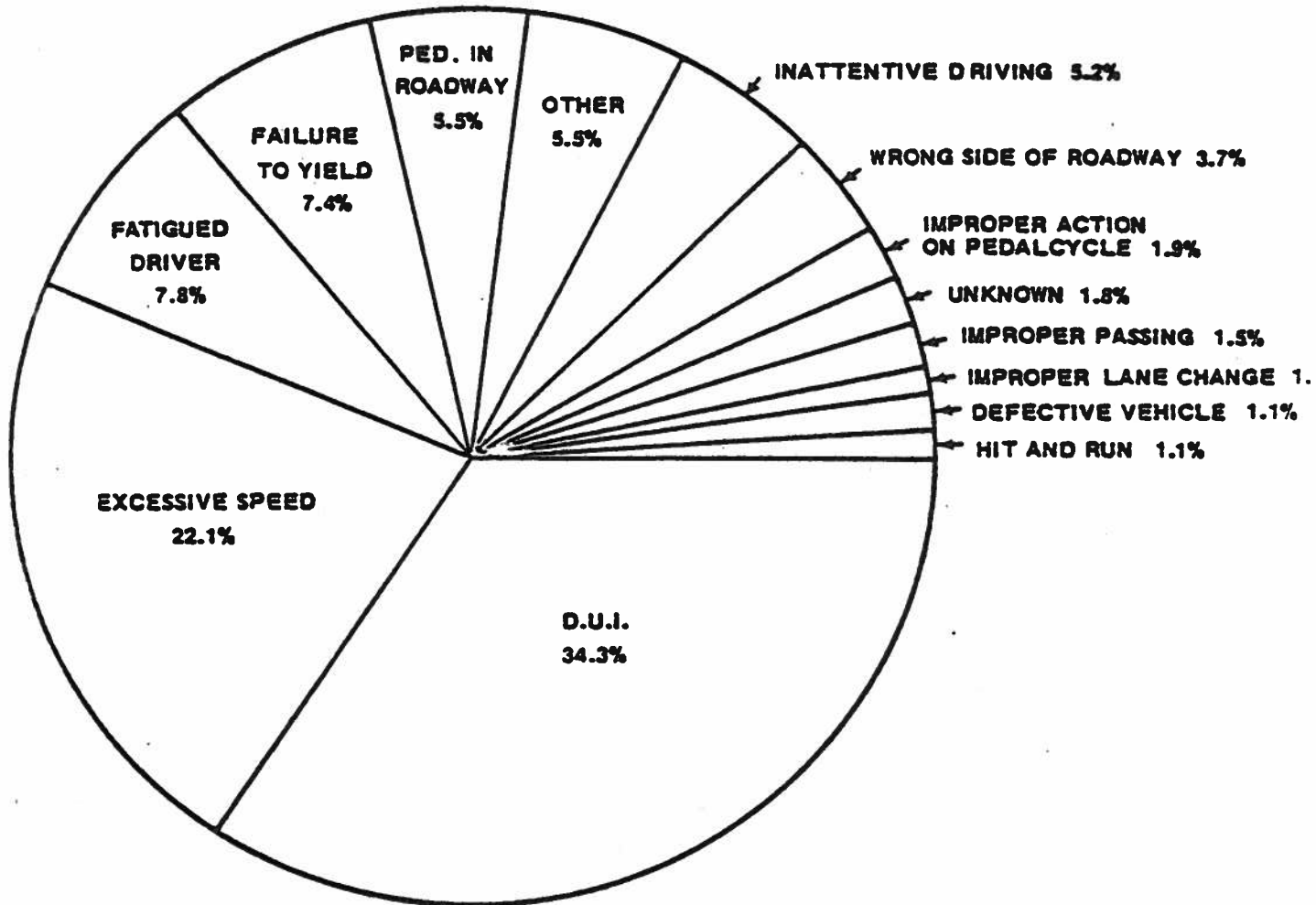
2nd CONTRIBUTING FACTOR IN 1978 STATEWIDE TRAFFIC ACCIDENTS



A SECONDARY CONTRIBUTING FACTOR OF INATTENTIVE DRIVING WAS PRESENT IN 62.8% OF THE TOTAL ACCIDENTS IN 1978.

1978 FATAL TRAFFIC ACCIDENT REPORT

CONTRIBUTING FACTOR IN 1978 FATAL TRAFFIC ACCIDENTS



THE ABOVE GRAPH SHOWS ONLY THE PRIMARY CONTRIBUTING FACTORS INVOLVED IN THE 271 STATEWIDE FATAL TRAFFIC ACCIDENTS

Letter to the editor:

Facts about drinking a

I appreciate the opportunity to respond to the letter from Mrs. Ray Ceccarelli et al., which you published in the Jan. 18 issue of the Nevada Appeal.

While I do not wish to perpetuate an exchange of views on an issue which is obviously fraught with endless potential for debate, I do feel that it is essential to focus some light on those of Mrs. Ceccarelli's "facts" which I believe she has misinterpreted. To begin with you should know that Mrs. Ceccarelli and I are amiable adversaries who differ less in our interest in reducing traffic deaths caused by drinking drivers than we do in our beliefs about what is useful and what is wasteful in furthering that interest.

I believe that it is not useful to misquote the research literature through the uncritical use of terms like "drunk" and "drunks" to imply that one's position is supported by that literature. I am likewise opposed to the misuse of the term "alcohol-related" by failing to properly define it. Such practices serve only to raise our emotional temperatures and obscure the issue.

Since Mrs. Ceccarelli suggests that it is the "facts" which are at issue here, I will include references to at least a few of the studies which can make a legitimate claim to facticity. These references should also tend to distinguish more clearly between matters of my own opinion and the published work of researchers.

In order to remain faithful to the studies she claims support her view, Mrs. Ceccarelli needs to remove the words "drunk" and "drunks" from the text of her letter and replace them with the term "drinking driver." It would also be helpful if "alcohol-related" was defined as it was used in the research literature. Unfortunately, Mrs. Ceccarelli appears to attend only to those portions of the relevant research which support her position and then quotes them in a way which distorts their conclusions. I believe it is useful to tell the rest of the story.

The studies on alcohol use and traffic accidents has over the years consistently produced the conclusion that approximately half of the traffic deaths occurring on our highways have involved drinking drivers. These studies do not conclude that the fatalities were due entirely to drunk drivers, although many of them most assuredly were. The drinking drivers to which the researchers refer, either nationally or in Nevada, were those for whom a test of blood, breath, urine, or other bodily substance had revealed the presence of any measurable amount of beverage alcohol. (I refer to the studies of McBoyle, 1972; Perrine et al., 1971.) Thus, these drinking drivers who caused fatal accidents include those with blood alcohol concentrations (BACs) both above and below the .10 percent level which provokes the presumptive "drinking driver" under the

influence (DUI) of alcohol by the laws of most states. Therefore, the presence of amounts of blood alcohol as low as .01 percent (one-tenth the presumptive level) resulted in the labeling of the tested subject as a drinking driver. Examination of the data which support the conclusions of the studies to which Mrs. Ceccarelli has referred show that of those drinking drivers involved in fatal accidents 40 to 44 percent had a BAC of .10 percent or higher (Perrine et al., 1971; Bremer and Saiter, 1968). That being the case, BAC levels below .10 percent have been shown by epidemiological study not to have a significant causal relationship to crash involvement (Zymlan, 1972).

While Mrs. Ceccarelli expresses the traditional belief that massive arrests will reduce alcohol-related highway deaths, the research does not support that belief. Although tens of millions of taxpayers' dollars (As-I recall the figure was \$80 million) were spent to concentrate Alcohol Safety Action Programs in 20 areas of the United States in an effort to combat the drinking/driving problem, the subsequent evaluation of that effort (Zabor, 1974) refutes any claim for success. To be specific: "The authors of the official evaluation report (U.S. Dept. of Transportation, 1974) were correct: there was no evidence of a positive relationship between alcohol-related arrest activity and a decrease in night-time fatal crashes." (See Zymlan, Alcohol, Drugs, and Traffic Safety. Proceedings of the Sixth International Conference on Alcohol, Drugs and Traffic Safety, 1974.)

While Mrs. Ceccarelli believes that harsher and mandatory punishment of each and every defendant convicted of DUI will reduce traffic deaths, again the research does not support that belief. The vast majority of those appearing in court to face a charge of DUI are more likely to experience low speed rear-end collisions, sideswipes, and clipping of parked cars (Petr and Schuman, 1973; Petr et al., 1975; Zymlan, 1974). The "killer driver" on the other hand is more likely to kill while driving at high speed. He also appears to be less likely to have a record of prior arrests and fewer prior collisions than the typical DUI defendant (Wilkins et al., 1970; Perrine et al., 1971).

There has been substantial effort expended pursuing the facts about drinking/driving fatalities and still there is a great deal we do not know. However, the substitution of emotion for hard earned though imperfect knowledge is not going to produce the desired results.

While Mrs. Ceccarelli did not repeat her legislative proposals in her Jan. 18 letter, she has shared them with many of us and I will share some examples with you. "A first offender would lose his driving privilege for 90 days." She makes this recommendation knowing full well that a recent California DMV study concluded that 65 percent of California motorists whose licenses

were suspended or revoked because of "drunken driving" convictions continue to drive anyway. In the case of revoked licenses alone, the harsher and lengthier penalty, 75 percent are reported to still be driving. I want to remove the drinking driver from the highway

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but I will not support mandatory measures which give only the appearance of effectiveness when in fact they have a proven record of failure.

Mrs. Ceccarelli's insistence that each and every convicted offender be given exactly the same sentence, regardless of the difference in circumstances, is the element of her proposal I find the most wasteful. For example, earlier last year a young woman in her early twenties appeared in a Las Vegas court on a DUI charge. In this particular case the young woman had been given a prescription for a muscle relaxant by her physician which she took according to the directions. Unfortunately, while the medication had the potential to significantly impair her ability to drive, neither the physician nor the pharmacist warned her of that potential. She took the medication, drove, and was arrested for driving under its influence. The traffic officer's action in making the arrest was correct and should be encouraged. If Mrs. Ceccarelli's legislative recommendations had been law at that time, the judge would have had no alternative to the imposition of the following sentence for a first offense, since the young woman was indeed guilty: Loss of her driving privilege for 90 days; ten days manual labor to be served consecutively or intermittently at the discretion of the court (labor reduced to five days if she attended and completed an alcohol education program); listing of her name as a convicted DUI offender in the local newspaper. The imposition of all the penalties listed above would have been assured by a further legislative recommendation: "Any person who is convicted of a violation of this driving-under-influence-of-intoxicants law is guilty and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served the prescribed sentence. In addition, no judge may grant probation to or suspend the imposition or execution of said sentence. Furthermore, a person charged with the offense of driving under the influence of intoxicants shall not be allowed to forfeit bail or plead 'guilty' or 'no contest' to any other offense in exchange for a dismissal of the offense charged. No district attorney shall make any motion and no

(EDITOR'S NOTE: What follows is a letter to the editor which is far too long to meet our letters to the editor requirements. However, it deals with a subject we should all be interested in and the writer is obviously involved and concerned. Therefore, we've decided to run Mr. Garrett's letter in full.)

Drinking and drivers

suspended or revoked because drunken driving" convictions us to drive anyway. In the of revoked licenses alone, the er and lengthier penalty. 75 nt are reported to still be g. I want to remove the ing driver from the highway

judge shall enter any order in derogation of this section." I have quoted from a document entitled "Recommendation Outlining Penalties For DUI Offenders" which Mrs. Ceccarelli gave to me and said represented her legislative proposal.

Mrs. Ceccarelli complains of the inadequacy of our courts. She testifies that persons who have caused the deaths of others while driving under the influence of an intoxicant finding of guilt the imposition of a lighter sentence by the judge. In the case of death or substantial

hear the facts about particular cases and particular judges. If she feels she can identify a judge or judges who have failed to properly exercise the duties of the office, then let's get on with it. We await the evidence. Unhappily, she has remained silent on specifics and seems content to irresponsibly tar all judges with the same brush.

Research does not support the belief that massive arrests will reduce alcohol-related highway deaths

will not support mandatory laws which give only the appearance of effectiveness when in fact they have a proven record of failure.

1. Ceccarelli's insistence that every convicted offender receive exactly the same sentence, regardless of the difference in circumstances, is the element of stupidity I find the most wasteful or example, earlier last year a young woman in her early twenties appeared in a Las Vegas court on a DUI charge. In this particular case the young woman had been prescribed a medication by her physician which took effect according to the directions. Unfortunately, while the medication had the potential to significantly impair her ability to drive, neither the physician nor the pharmacist warned her of that potential. She took the medication, drove, and was arrested for driving under the influence. The traffic officer's action in making the arrest was correct and should be urged. If Mrs. Ceccarelli's legislative recommendations had been in law at that time, the judge would have had no alternative to the imposition of the following sentence for a first offense, since the young woman was indeed guilty:

of her driving privileges for 30 days; ten days manual labor to be done consecutively or intermittently at the discretion of the court or reduced to five days if she attended and completed an alcohol education program; listing of her name as a convicted DUI offender in a local newspaper. The imposition of all the penalties listed above would have been assured by a legislative recommendation: "Any person who is convicted of a violation of this driving-under-the-influence-of-intoxicants law is hereby and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served the prescribed sentence. In addition, no judge may grant probation to or suspend the institution or execution of a sentence. Furthermore, a person charged with the offense of driving under the influence of intoxicants shall not be allowed to post bail or plead 'guilty' or 'no contest' to any other offense in the same case for a period of 180 days from the date of conviction of the

We are faced with a serious problem, a very serious problem and the search for effective remedies is difficult. For example, we have persuasive evidence to show that several characteristics come together to identify the high risk group of drinking drivers. However, even if we could identify all members of that group we cannot know which of them will be involved in a fatal accident and which will not. Furthermore, if we knew which ones would be involved in fatal accidents we would not be able to predict when they would occur - next week, next year, or ten years from now? To assume that a good stiff penalty will somehow "rehabilitate" the wayward driver and convince him or her never to drink and drive again is to ignore an enormous amount of experience to the contrary.

injury the defendant faces a felony charge and the case is heard at the district court level, not at the justice or municipal courts where the bulk of DUI cases appear. If, as are routinely avoiding stiff fines, loss of the driving privilege, and jail. Such consequences can be avoided in two ways, but a finding of not guilty at trial or following a

in the case of a former sheriff in a neighboring county, the jury finds the defendant to be not guilty of the charge, then Mrs. Ceccarelli's dissatisfaction should be directed at her fellow citizens who serve on juries. Or perhaps she should inform herself of the circumstances which led the jury to a finding of not guilty. If her complaint is about leniency in the sentencing of those who have been convicted, then let's

As for the law enforcement officers of Carson City, I have seen no evidence to suggest they are not holding up their end. A look at the arraignment sheets indicates that if you drink and drive in this community they are likely to cite you even at BACs below the presumptive level. Which can be made stick, by the way.

No Mrs. Ceccarelli, I have no fear of a tramping herd. I have confidence that we will continue working with our legislators to find ways to develop and implement measures which will effectively, if not totally or immediately, reduce the risk represented by drink-driving. And, contrary to your view, I do not see us as innocent victims. We are the congenial but misguided hosts who encourage our guests to drink more than may be wise. We are folks who continue to tolerate the abuse of drinking and driving by ourselves, our family members, and our friends. We are not innocent but we do tend to accept the myths of easy answers.

JIM GARRETT
Carson City