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## Testimony for AB34 "Once a Felon, Always a Felon"

For the record, my name is Laurel Stadler, Chapter Director for Mothers Against Drunk Driving - Lyon County. Thank you Chairman Anderson for the opportunity to speak today in support of AB34. I'd also like to thank Senator Amodei and Assemblyman Conklin for introducing this very important piece of legislation.

How best can we address the chronic, high-BAC, repeat DUI offender? Popular approaches include vehicle forfeiture or impoundment, lower BAC thresholds, interlock devices, registration suspensions, etc. We believe that AB34 offers a unique approach to specifically address the public safety concerns that repeat offenders present. In Nevada, after an offender reaches the felony DUI level, by being convicted of DUI for the third time within 7 years, that offender has had every opportunity to change their behavior. They have been offered the "Notice of Election" treatment program (which we spoke about yesterday with Judges Willis & Tatro), mandatory treatment in some cases and other sanctions at the misdemeanor level, and intensive phase I treatment in the prison system with ongoing treatment as part of the 305 program, if eligible. If DUI offenders do not respond to this combination of treatment, educational programs and sanctions, times 3, we feel that our best and only option is further incarceration for subsequent convictions. To put an offender back out on our streets and highways as a misdemeanor offender after 4 or more convictions allows those offenders to laugh in the face of the law. Additionally, an offender who reaches felony status by virtue of a crash causing death or substantial bodily harm to another should never have the ability to revert to misdemeanor status as they do now.

The conjecture is made "what if after 20 or 30 years of no DUI convictions" and note the key word of conviction. It doesn't ensure that the felon has not driven drunk and endangered himself or the community. What if they fall off the wagon at a wedding reception or other one-time event? The felons alcohol consumption does not put him in jeopardy of being convicted under this statute, the felons drinking, then driving, then being apprehended, then being convicted puts him under this law. This is a lesson that he should have learned as a result of killing or injuring an innocent victim or by virtue of 3 DUI convictions within a 7-year period, no matter how many years have elapsed. Also, the "threat" of additional prison time should act as a deterrent if prisons are doing their job. As with every DUI law, we would much rather see the crime NOT committed than have to deal with penalties and sanctions when it is.

Since 1991 and the inception of the 305, residential confinement program for felony DUI offenders, not only have felony DUI offenders been afforded the best possible inpatient (in prison) alcohol and substance abuse treatment program (aka phase 1), but the State of Nevada has realized an approximate \$10 million savings in hard bed incarceration costs because of the 1,070 felony offenders who successfully completed the program when averaging about a year savings in prison costs. Also, because this model 305 program served as the pattern for the subsequent 317 residential confinement program, even more state dollars, correction dollars have been saved.

Now, it is time to directly address the chronic repeat, often high-BAC offender with the specific sanction of more prison time. As Majority Leader Buckley so properly stated last session regarding this offender, "When a person committed a felony DUI, even as a kid, such an experience should be a wake-up call and that offender should **never** drink and drive again. Perhaps it is time to send such a message." It was time two years ago and it is time today to take a stand against the repeat DUI offender. They need to know that once they achieve felony DUI status, if they choose to commit DUI again, it will be treated, charged and sentenced as a felony. Please pass this public safety legislation.

ASSEMBLY JUDICIARY  
DATE: 3/7/03 ROOM: 3138 EXHIBIT K  
SUBMITTED BY: Laurel Stadler

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March 5, 2003

Judy Jacoboni  
705 Schaad Lane  
Dayton, NV 89403

Chairman Bernie Anderson  
Assembly Judiciary Committee

Re: Assembly Bill 34

Dear Chairman Anderson:

Although I cannot be present at the hearing for AB 34, I would appreciate it if you would include my letter in the record and distribute it to the committee.

I am writing today in support of AB 34. I feel that based on my own experience, AB 34 will provide greater protection for the driving public from career drinkers who will keep drinking and driving throughout their lifetime.

On April 19, 1990 my 22-year-old daughter Michelle was killed by a DUI driver. Michelle was driving home from work on US Hwy 50 at Dayton Hill. She was about a mile from home.

The DUI driver pled "guilty" and was sentenced to the maximum of 20 years in prison.

Although the offender who killed my daughter was sentenced to 20 years, she expired her sentence and was released from prison in June of 2001. She served 11 years and 2 months. In the meantime 7 years had gone by and the DUI that killed my daughter dropped off the record.

The DUI behavior did not change and by October of that year there was another arrest for DUI right here in Carson City.

In December of 2001, this person appeared in court for the DUI. She was charged according to NRS with a misdemeanor first offense DUI, with a maximum sentence of 6 months in jail.

This occurrence was so outrageous that all the local papers ran stories and our family members had to explain over and over again to friends and acquaintances who could not understand that a person could kill someone and then later could get a second chance to be a first offender.

This is a compelling public safety issue that needs to be corrected. Lifetime, repeat offenders need to be removed from the highway for as long as possible.

The Nevada Resort Association has testified before this committee many times, stating that chronic, repeat offenders are at the core of our states DUI problems.

Please act today to protect innocent, sober drivers by treating felony DUI drivers like the felons they are each time they offend.

Please vote in favor of AB 34, an important step toward making Nevada safe.

Thank You  
Judy Jacoboni