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DUI law has real teeth

In London, friends won't drive to the airport to meet you if they've had a few drinks. They're afraid they'll get arrested for drunken driving.

In Sweden, when two couples go together to a cocktail party, one member of the group agrees not to drink, and he or she is the driver. You also meet the nicest people at the detention centers for drunk drivers in Sweden. I once met a man in diplomatic circles who had done some time there. That's how tough the drunken driving laws are in Sweden.

But in Louisiana? Will a tough drunken driving law work here? Here in New Orleans, where the long, wet luncheon is a social rite, or in Cajun country, where Sunday afternoon at the barroom is a family outing? Here where nobody who is anybody or knows somebody gets convicted of drunken driving under the existing laws?

We're about to find out. Both houses of the Legislature have passed a law with mandatory sentences for people convicted of drunken driving.

If the bill is not changed in conference committee, judges in the future will be required to impose some kind of sentence on a person convicted of driving while under the influence. For a first offender, the sentence can be 10 days to six months in jail, two days in jail plus participation in substance-abuse and driver education programs or four days of community service plus participation in substance-abuse and driver education programs.

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If the law works at all, it will probably mean that a lot of people will be picking up litter on the neutral grounds and attending open meetings of Alcoholics Anonymous or the Metropolitan Safety Commission's drinking-and-driving classes.

The point, though, is that the judge has to impose one of these sentences if a person is convicted of drunken driving. Judges now have all these options under the law, but they can suspend sentence. Under the bill introduced by Sen. Richard Neeson of Shreveport and backed by Gov. David C. Treen, some kind of sentence is mandatory. People convicted of drunken driving for a second or third time will have to spend six months in jail. That's mandatory.

Nobody who has ever had a child, a husband or wife or a friend killed by a drunken driver can feel sorry about this. The movement for stiffer sentences for drunken driving was started in California by a woman whose teenage daughter had been killed in a wreck caused by a drunken driver.

On the other hand, few people who have had a few drinks ever think they're going to have an accident. "Oh, I'm not drunk. I'm just fine. I can drive. You take a taxi home if you're afraid to go with me." And you could require public hanging for the confirmed drunken driver and have no effect. The New Orleans Traffic Court's probation program has had several cases this year of people who had served time in Angola for negligent homicide because of drunken driving and they're back on the streets.

Mary Lou Aguilar, who directs the court's probation program and sees people convicted of drunken driving all day long, says the law will have its greatest effect on social drinkers—people who can't control their drinking. And that's only if they believe they can get arrested and get some penalty.

She cites a U.S. Department of Transportation study that showed that in England, stiff laws on drunken driving were effective as long as conviction rates were high and as long as people believed they could be arrested and punished if they drove while drunk. But as soon as conviction rates dropped and people got on to the fact that their chances of getting arrested and punished were slight, observance of the law fell off. Londoners are still more conscientious about driving while drunk than people in this country, however.

The Louisiana law will work only if it's enforced. It will work only if prosecuting attorneys don't fix cases for friends and if judges impose maximum penalties when they're justified. Many cynics believe the law will work just like the present laws on drunken driving. The poor get justice, although few go to jail. The rich and influential get mercy.

Being a cynic, I said as much to Sen. Neeson when I talked with him about the bill this week.

He didn't agree. "I hope that a year from now I can talk with you about the effect of the bill and tell you that it's working, that fewer people are being killed by drunken drivers," he said.

I hope so, too.