Panel readies harsher laws against DWI

New Orleans Times-Picayune 5/20/1982 Sec 1 D.13

By CHARLES M. HARGRODER
Capital bureau

BATON ROUGE — State government's war against the drinking driver gathered ammunition Wednesday, but a House committee delayed the first shot until Thursday.

The House Criminal Justice Committee decided to hear all bills on drunken drivers before determining how it will handle a variety of such measures by several House members.

The principal proposal, made by Rep. Eldridge L. Morris, D-DeRidder, would impose a mandatory two-day jail sentence on first offenders.

Morris offered to amend his bill to include features of the Senate bill pushed by Gov. David C. Treen's administration, specifically one to let judges sentence drivers to 48 hours of public service work instead of jail.

That idea drew strong support from the The Louisiana District Attorneys Association and several sheriffs.

District Attorneys John Mamoulides of Jefferson Parish and Nathan Stansbury of Lafayette Parish were joined by Sheriffs Don Hathaway of Caddo Parish and Harold L. Tridico of Ascension Parish in backing the work option.

They pointed out that U.S. District Judge Frank J. Polozola is expected to establish the maximum number of prisoners those jails may house.

Requiring drunken drivers to serve two days in jail would worsen the crowding problem, they argued.

Alcohol, said Morris and other witnesses in lengthy hearings Wednesday, is linked to at least 50 percent of all accidents. He said 225,000 people died on the nation's highways last year in such accidents.

Louisiana ranks third in the nation in its death rate per million miles traveled, State Police Superintendent Grover "Bo" Garrison said. He estimated that State Police last year made 10,000 to 12,000 arrests for driving while intoxicated.

The drinking driver has become almost socially accepted, Garrison said, and police often feel they are on trial in contested court cases.

Rep. Joseph Bleich, D-Ruston, wondered if the sentence or the alternate may lead district attorneys to reduce DWI charges to reckless driving charges "because of social mores or political philosophy."

Replied Morris: "The district attorney has a good out to say, The Legislature done it."

Daniel Noel, chairman of Treen's task force on the drinking driver and assistant secretary for motor vehicle registration and driver licensing, said about 8,000 DWI convictions were recorded in Louisiana last year. The figure represents about half of those arrested, he said.

Ray Burkhardt of the New Orleans Police Department's accident investigation unit said that drivers under the influence of drugs are a problem in New Orleans.

The problem is aggravated, he said, in negligent homicide cases in which the arresting officer can testify only about a driver's behavior since breath-testing devices cannot prove drug use. Sophisticated laboratory analyses of blood are needed, he said.

Turnley proposed that DWI offenders should be required to get treatment at substance abuse clinics.

Bleich offered a bill to require the suspension of driver's licenses for DWI convictions, with only limited driving privileges to and from work and similar travel.

Rep. Ron Gomez, D-Lafayette, asked that his bill be passed to prohibit possession of unsealed liquor containers in passenger compartments of automobiles or recreational vehicles.

Rep. Donald Ray Kennard, D-Baton Rouge, proposed a bill that would require district attorneys to explain in writing when they do not prosecute DWI cases. Bleich said this would let district attorneys say they did not prosecute because of insufficient evidence.

Another of Bleich's bills would prevent judges from suspending mandatorily four-month jail sentences for people convicted of two DWI offenses within one year.