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COMMITTEES  
JUDICIARY, CHAIRMAN

**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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A PUBLIC HEARING ON HB 2167 BY THE  
HOUSE JUDICIARY COMMITTEE

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Thursday, May 21, 1992  
140 Main Capitol  
1:00 PM

Introduction by The Honorable Thomas R. Caltagirone, Chairman  
House Judiciary Committee

Remarks by The Honorable John Broujos, Prime Sponsor of Bill

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Colonel Glenn A. Walp, Commissioner  
Pennsylvania State Police

Mr. Lester J. Wallace  
Carlisle, PA

Thomas Bryer, Director  
Center for Highway Safety  
Pennsylvania Department of Transportation



**Mothers Against Drunk Driving**

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PENNSYLVANIA STATE OFFICE

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REMARKS: Sherry Walker, Executive State Director

May 21, 1992

HB2167

*Sherry Walker*

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First, I would like to apologize for not being able to appear in person at the hearings on House Bill 2167. Unfortunately, due to a change in time for the hearings, my scheduled appearance before you was put into conflict with another important commitment in Western Pennsylvania. It is my hope that you will give careful consideration to my comments for they reflect the opinion of the MADD PA State Organization.

There is no doubt that ACT 31 as currently written provides a powerful deterrent to underage drinking in Pennsylvania. Based upon my numerous encounters with young people throughout the state, I am very impressed with the recurrent theme which is expressed whenever ACT 31 and Underage Drinking is brought up. Over and over again I have been told that the reason many young people do not drink is because to do so would risk the loss of their driving privileges. For an adolescent driving is a symbol--a symbol of independence, of "coolness," and of pure respect. To lose the privilege to drive is a calamity to most young people. It means the loss of freedom, of respect, and in some cases, of the means to earn that extra spending money so important in today's world. Fines mean very little to a young person because the parents usually pay. Peer pressure is often of little consequence because to be caught drinking is looked upon as a badge of honor by some adolescent groups. Education is often viewed as the "easy way out"--a means to avoid the unpleasant consequences of one's actions.

Since ACT 31 was passed, it has been closely scrutinized by legislators, law enforcement, the criminal justice system, teenagers and parents. Some parents bemoan the "excessive" punishment embodied in the underage drinking law. They say that to lose one's driver's license for 90 days, even when not involved in a DUI incident, is unreasonable. After all, alcohol is often viewed as a "right of passage" for many young people--a "safe alternative" to other controlled substances such as cocaine and PCP. This is a very unfortunate misconception. Many people do not realize that alcohol is a dangerous drug--even more so because it is often the gateway through which young people become involved in "hard core" drug abuse. It must also be noted that for young people under the age of 21 alcohol is an illegal drug in all 50 states. Even so, alcohol is still the most abused drug in the nation and entire world. To not send a clear message to young people that alcohol use will not be tolerated would be unconscionable.

It must also be noted that even with implementation of ACT 31, there is still a disparity in the punishments between underage drinking and underage drinking and driving. A young person apprehended while drinking on his front porch will only lose his license for 90 days. That same young person driving while intoxicated will not only lose his license for 90 days per the underage drinking law, but will also be subject to prosecution under the state's DUI laws. Thus it can be seen that the notion that ACT 31 is too severe in its punitive aspect is essentially groundless. It is this perception of severity, which often

influences the decisions of law enforcement personnel and members of the criminal justice system, into inconsistently enforcing the provisions of ACT 31, if they are enforced at all. One of the basic precepts of effective discipline is that punishment should be immediate, appropriate and administered equally to all. Time and time again it has been demonstrated that adolescents benefit from the application of fair and consistent discipline which "fits the crime." This is particularly true with regards to the provisions of ACT 31. For ACT 31, as it is currently written, to provide the effective deterrent as described earlier, it must be universally applied in all appropriate circumstances. This means that police officers can no longer practice "curbside adjudication," where they decide not to cite the young person for a violation because they know the parents or feel that they, too, have "been there." In addition, district justices must not shrink from their enforcement responsibilities simply because "Johnny's parents are also voters."

Although MADD PA supports consistent enforcement of the punitive aspects of ACT 31, we also recognize that the use of alcohol among adolescents is a health and social issue as well as a legal issue. It is for this reason that MADD PA supports, and has consistently supported, educational and treatment programs in conjunction with the punishments prescribed by law. It is, therefore, our responsibility to augment enforcement of ACT 31 with various programs which emphasize the societal impact of underage drinking. Some of these ideas include:

--Increased education of criminal justice system and law enforcement community on the reasons why they are not "doing the kid a favor" when they look the other way. There is much statistical evidence that a large percentage of youths picked up for underage drinking are well on their way to a full blown drug and alcohol problem/addiction.

--Tracking of citations over time would permit identification of police departments and district justices whose enforcement activity is demonstrably below the average for their county or region, and create pressures for these entities to improve their performance.

--Identification of effective methods and places for youth education and treatment programs. (Not in lieu of mandated minimums, but in tandem with).

--Examine liability for losses attributable to nonenforcement of ACT 31 by police or other municipal entities. Those which are currently under-enforcing ACT 31 may be stimulated to appropriate enforcement levels if they are aware of the potential legal consequences of the failure to enforce in a situation in which there is a subsequent loss.

--Continuing to limit accessibility of alcoholic beverages through the auspices of the Liquor Control Board,

--Cultivation of teenagers' "refusal" skills. Many young people have stated that the current underage law provides them with a good

excuse for not drinking without losing "esteem" in the eyes of their peers. Additional work is needed to help teens learn how to handle peer pressure and to reject alcohol without suffering in their interpersonal relationships. We also need programs that will make these strategies widely known to all youth who are at risk.

--Increased publicity of the potential financial loss to adults, universities or others who allow or provide teenagers the opportunity to drink. For example, many adults do not realize that they could be fined for each underage person they allow to drink.

--ACT 31 should be mailed to all new drivers. In addition, information on the health and other dangers of underage drinking should be included in the mailing. Parents also could receive a separate notification just after their children obtain their driver's licenses outlining the consequences of irresponsible behavior and the health hazards to which their children could be exposed.

--Keg buyer identification programs. Experts report that tragedies caused by underage drinking frequently occur after keg parties. If retailers are required to record the names of purchasers of kegs, there would be better information with which to track accountability and possible liability.

--Excise taxes to fund prevention efforts. Most prevention efforts require communications, volunteer activity and other investments of time and money. One possible source for such funds is an increased excise tax on alcoholic beverages sold in PA. Also, there could be a one time small charge placed on each person when they initially apply for a driver's license.

--Restrict and curtail youth-targeted advertising of beer and other alcoholic beverages. Many experts agree that the glamorous characterization of youth and social situations in beer and alcohol commercials encourages consumption. Elimination of these messages would lessen the pressure on youth to begin drinking.

I want to thank the distinguished members present today for allowing me the opportunity to address this important issue and provide MADD PA's ideas regarding ACT 31 as it pertains to the proposed piece of legislation--HB2167. It is my belief that I have clearly delineated MADD PA's opposition to this bill as written. MADD members are not opposed to this bill because we oppose education (or treatment), but because we believe that the loss of driver's license is the most effective means of reducing the number of adolescents who use or abuse alcohol. Thousands of young people to date have learned first hand that underage drinking will not be tolerated in Pennsylvania. It's our hope that this message will continue, because we believe that with time, ACT 31 in its current form will be proven to work effectively in reducing the number of underage drinkers in the state. Working together we can send out the clear signal to young people that it can be "cool" not to drink.

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