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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

In re: House Bill 2167, Amending Title 18,
Restricting Teenage Driver Privileges

* * *

Stenographic record of hearing held in
Room 140, Main Capitol, Harrisburg,
Pennsylvania

Thursday, May 21, 1992, 1:00 p.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF COMMITTEE

Hon. Gerard Kosinski
Hon. David Mayernik

Also Present:

David Krantz, Executive Director,
House Judiciary Committee

Mary Woolley, Esquire, Republican Counsel

Katherine Em Manucci, Secretary

Reported by:
Emily R. Clark, RPR

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X

	I N D E X	
	Speakers	Page
1		
2		
3	Hon. John Broujos Prime Sponsor	3
4		
5	Mr. Lester J. Wallace Carlisle, Penna.	4
6		
7	Officer Robert Hayes Carlisle Police Department	8
8		
9	Colonel Glenn A. Walp Commissioner, Pennsylvania State Police	18
10		
11	Mr. Thomas E. Bryer, Director Center for Highway Safety, Penna. Dept. of Transportation	23
12		
13	Mr. Leon Czikowsky Aide to Rep. Kevin Blaum	26
14		
15	Mr. Robert Mustin, Director Legislative Affairs, Penna. Dept. of Transportation	33
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN CALTAGIRONE: I think it's time we get
2 started. The prime sponsor of the bill, Representative
3 Broujos, is with us, and if you would like to open up with
4 your remarks, John? If the other two gentlemen want to come
5 up and join you at the table, if they have remarks, either
6 written or oral, we could take that, also.

7 For the record, I would also like to mention
8 that Leon will be testifying on behalf of Representative
9 Kevin Blaum, who I just spoke with.

10 I would also want to submit for the record some
11 remarks that were submitted by the MADD group, so if you
12 could put them into the record.

13 REPRESENTATIVE BROUJOS: Thank you, Mr.
14 Chairman. We appreciate the opportunity to make a
15 statement. My statement will be brief, because I have with
16 me Les Wallace, who has been a major drive in this effort,
17 and Bob Hayes, who is an officer with the Carlisle Police
18 Force.

19 The reason my remarks will be brief and that
20 they will comment is that they represent the people that are
21 in the front lines, in the trenches working with juvenile
22 offenders and working with the question of adjudication, the
23 question of programs for education. They are the ones that
24 deal with the problem. They represent three parts of the
25 total equation in the treatment of the alcohol problem on a

1 juvenile level, the police, probation officers and private
2 citizens that offer their assistance.

3 The bill calls for a pre-adjudication program
4 option in a court not of record, in a district justice. It
5 does change the existing law.

6 We've also proposed an amendment that would
7 maintain a 45-day suspension instead of a 90-day
8 suspension.

9 I will ask Les Wallace, who has been deeply
10 involved in this program and who has worked with youth and
11 closely with youth and closely with their families, to make
12 a few remarks. Les Wallace?

13 MR. WALLACE: Thank you very much. Good
14 afternoon. Thank you for having me here.

15 As you know, this is a concern of all of us,
16 because the future lies with these young people. Some of
17 them aren't aware of the severity of alcohol and what it
18 does to themselves and their relationship with others.

19 My concern has been that for the most part,
20 unlike the adult DUI, underage drinkers do not receive any
21 education, no specific mandated education. While I do this
22 as a private individual, I do it also having taught for 30
23 years in a senior high school level dealing with these young
24 people, and I do I think have some affinity for their
25 problems.

1 My concern is not to let them off the hook, so
2 to speak, by lowering the period of loss of license. My
3 concern is to get them to see an advantage to going into an
4 educational program that will help them, whether they know
5 it or not, and at the same time ensure that there will be
6 enough pressure on society to offer this education.

7 Right now with Cumberland County where I teach,
8 there are approximately three justices who are determining
9 to send these people for education and giving them the
10 minimum fine. They still lose their license for the full
11 period of time.

12 I feel that if there was an advantage to
13 education, such as the proposed loss for, say, 45 days,
14 pressure would be put on justices, courts, other people
15 would recognize that education was a good alternative and
16 would participate.

17 I don't know a better way to do this. I don't
18 think just adding on an educational component is going to
19 move a lot of people, saying, well, we'll offer you
20 education.

21 My concern is the way it is right now, not only
22 does the young person lose the license, he quite often loses
23 his job, which then makes sure that the parent's going to
24 pay through the fine, and of course, puts the parents and
25 brothers and sisters into driving the youngster to and from

1 the job until finally they can't do it, and they're no
2 longer angry at the young man for what he did, they're angry
3 possibly at the system, which I don't think helps anything.

4 I think that the youth need to have more
5 information as early as we can get to them.

6 I would say that there are even police officers
7 who hesitate to write a citation for some of these young
8 people, knowing that they're going to lose the license and
9 knowing that they may lose the license for a considerable
10 period, more than an adult who was convicted of DUI who
11 elects to buy the machine and loses his license for only one
12 month.

13 We're taking people who may not be behind the
14 wheel. Half of the young people I deal with were not near a
15 car. Half of that other half, one quarter, were passengers,
16 they weren't driving. So this is a law that affects people
17 across the board equally.

18 Those people who lose their licenses do not like
19 the fact that they lose it because they weren't even
20 driving. Some youngsters come to me and said, well, I knew
21 I was going to go to a party and have something to drink so
22 I left the car at home and I was arrested walking home from
23 the party. I would have been better off driving. Now I
24 throw up my hands and say, no, you wouldn't be. But that's
25 not the message they get.

1 We already know that alcohol causes more damage
2 to the young people at an earlier age, and the sooner we can
3 educate them to that, the sooner we have a chance to make
4 them look at themselves very closely.

5 They're also unaware that it can cost them up to
6 \$10,000 for the first DUI.

7 A drug alcohol counselor, who could not be here
8 today, has mentioned that he's seeing more young people with
9 a DUI coming in with prior underage drinking arrests, and no
10 education about it.

11 Dealing with young and inexperienced youth who
12 are going to try things, do we use a hammer on them or do we
13 give them a helping hand? Early punishment or early
14 intervention? Early bitterness at police and the courts or
15 early understanding that we are truly concerned about their
16 health and safety?

17 A 45-day suspension if one chooses an
18 educational program would place the youth in a position of
19 seeking the education and put pressure on counties to offer
20 such programs. Thank you.

21 REPRESENTATIVE BROUJOS: Thank you. I would
22 like to add for the record that Les has dealt with over 250
23 to 300 youth ranging from 12 to 21 years of age as first
24 offenders under Act 31.

25 Now, I would like to ask if Officer Robert Hayes

1 would say a few words on his experience with the program and
2 his support for this bill.

3 How many years have you been on the police
4 force, Officer Hayes?

5 OFFICER HAYES: I'm working for my 23rd year.

6 REPRESENTATIVE BROUJOS: How much of that has
7 involved juveniles?

8 OFFICER HAYES: Over 22 years.

9 REPRESENTATIVE BROUJOS: Would you comment on
10 how you feel about the bill and the need for it?

11 OFFICER HAYES: Okay. Excuse me, because this
12 is all new and I'm a little scared. You know, I deal with
13 guns all the time but this scares me more than anything.

14 I first of all would like to say this much. I
15 am a D.A.R.E. instructor, if you understand what D.A.R.E.
16 is. I believe in the two words I use all the time, and
17 that's called care and love. I care about all the kids and
18 love all the kids out there, the same way I care about my
19 job and protecting the people in the streets.

20 But I do have a concern when our own president
21 of the United States stands up at a news conference and
22 talks about drugs, that enforcement and penalty wasn't the
23 name of the game, that education was. And that's why I am a
24 D.A.R.E. instructor today, to teach kids to stay away from
25 drugs. And yes, alcohol is drugs, and we teach that in our

1 D.A.R.E. classes.

2 I've graduated 600 boys and girls this year.
3 They are like my own children.

4 I understand and I agree wholeheartedly with
5 MADD, SADD and all the other organizations out there to make
6 our streets safe from drunk drivers, but again, I fear that
7 we are not looking and treating people equally or fairly,
8 when I can sit there and see a child that gets arrested and
9 he's going to get punished 90 days. And yes, the statistics
10 says accidents are down, and I'm not going to dispute that.
11 But again, we are taking their license away for 90 days, not
12 putting the education or the alternative to there, which is
13 a major word I use all the time to my kids, there's
14 alternatives. The alternative is schooling, to show this
15 young person what it's going to do to you if you don't stop
16 now, it might kill you.

17 I think as a caring person we need to educate
18 these children so we don't lose them and still be able to
19 find a happy medium to keep the accidents down. But when we
20 turn around, and I called our Cumberland County probation
21 officer before I came down here, it seems like in some
22 situations if you got money, you can get less penalty, just
23 like our DUI. And anything I hate is a drunk on the
24 highway, because I seen many times through investigation of
25 accidents what it does to people, especially like when I

1 pick up a dead child when they kill one.

2 But if you got a first-time offender, and that's
3 all we're asking for is the first time, to get this
4 education in and they take the ARD program, which is an
5 education program which we're offering adults, and if you
6 got \$1,533 up front and you're accepted to ARD, you now go
7 to school and you can get the interlock put on and you lose
8 your license for 30 days to go back out there.

9 Now, that driver could have blown a .30.
10 There's no requirement on what the alcohol level was, and
11 this person was driving a car. But because you've got money
12 and because you're an adult, we're going to educate you now,
13 and juveniles, well, wait till you're an adult and if you
14 mess up, then we'll educate you.

15 Our own president, and I believe wholeheartedly
16 in it, that we need to take these children, whatever this
17 case might be, we might find out more why they're drinking,
18 help them not only with their drinking problem but maybe in
19 other ways, but at least reach out and care about that child
20 and give our district justices, not me, give the district
21 justices the power to put these children into school, and
22 maybe we can find that little problem that's causing this
23 child to drink, and that little problem, if we can solve it,
24 might mean that child's life.

25 And that is the concern I have, you know. I

1 agree with the suspension, wholeheartedly, hey, because a
2 child loves them licenses. And I tell them that in my
3 D.A.R.E. classes, if you mess up drinking they're going to
4 get your license, something you're working hard for. But
5 we're treating them completely different than we do our
6 adults.

7 And we're only talking first-time offenders,
8 because if a kid drinks a second time he deserves to lose
9 that license for a year. But I think as an adult, and not
10 because I'm a policeman, because I'm a caring person,
11 because I have a 14-year-old son, I care enough to that I
12 want to give him the education, the love, and I still want
13 to protect everybody else out there. Where do you find the
14 middle? I don't know. And I'm glad we have people like you
15 making decisions like that.

16 But again, I like to take a look and say, as
17 society in a whole, we need to treat people not based on how
18 much money they have, what kind of family background they
19 come from. They all deserve the same chance, the education,
20 and the help that each one of us can offer, no matter what
21 it was, be it drinking or whatever it can be. We want to
22 reach out, and I feel we're not really reaching out.

23 And what this is causing, it's causing our
24 district justices to make decisions that are completely
25 against how the law was intended. I know in situations

1 where if, well, this is pretty good kid, he comes from a
2 rough family, ask the officer to drop the charge of
3 consumption and charge him with disorderly conduct. That's
4 completely against what the law says; there was no
5 disorderly conduct, the law was drinking.

6 And in other situations I know of police
7 officers that won't arrest kids, that will handle it within
8 the department due to the fact that we have a strict
9 guideline here, and due to the background behavior, if I
10 take this child's license away, that child isn't going to be
11 able to get to McDonald's to work or isn't going to be able
12 to drive his mother to the hospital. There's so many
13 varying circumstances.

14 But I do agree that we need to make the arrest
15 and we need to make them lose their license and deter it,
16 because licenses are the most valuable thing. But we also
17 need to educate. And that's why I wanted to come in today,
18 just because I do care. My drug program, I do it all year
19 long. I'm full-time at it. And we've got to do something
20 to save our children.

21 And I agree with the suspension, but I think we
22 need something to get the district justices, who, like you,
23 are elected officials, to give that alternative and educate
24 our children so they don't make the same mistake twice, and
25 that second one might be the killer.

1 I thank you for letting me come down.

2 REPRESENTATIVE BROUJOS: Mr. Chairman, I think
3 it's obvious from the sincerity and emotion and the
4 experience of these speakers that they're not people who are
5 coming in here and just saying, gee, let's be lenient.
6 They're people that have seen the situation and they've come
7 to a conclusion. They've come to that conclusion based on
8 their observations, based on their experience. They are not
9 here to say, hey, let's let them off. There's no
10 letting-them-off attitude. They're here looking for that
11 balance, as so well eloquently described by Robert Hayes,
12 between the club and education.

13 Now, there is a lady, Charlotte Wakefield who
14 had a son that went through the program, had two sons who
15 went through the program, and she wanted to be here and
16 attend but she couldn't be here at 1:00. I'll just read
17 about four sentences in the record.

18 She says: I support the change in the time
19 period for the retention of a driver's license from the
20 90-day time period to a 45-day time period. I strongly feel
21 that an educational program should be mandatory, not only
22 for the offender, but also for the parent. Retention of
23 driver's license is good in regard to a punishment level for
24 an offender, and a 90-day time period for the adolescent age
25 group is too long and pushes past the frustration level and

1 is of no value. For the adolescent age group, punishment
2 and education go hand in hand for good discipline. This is
3 why it should be mandatory. What good is punishment without
4 discipline? Our children are our future. What will that
5 future be without good discipline? Charlotte Wakefield.

6 Finally, these gentlemen and the advocates of
7 this bill respect MADD very much. They recognize the role
8 that MADD has played. However, they're asking you to look
9 at MADD's position as just one position of several, and they
10 ask you to look at their personal experience in this field,
11 the same way with the State Police, they're looking at it
12 for their position, it's one position. And they I would
13 suggest personally may not have had this intimate contact
14 with the educational program and with the youth in terms of
15 what is effectively preventive and what is punishment.

16 We have faced that dilemma all through law
17 enforcement, what is punishment, what is retribution, what
18 is preventive, what sets an example, what satisfies society,
19 and we feel that this is a very noble and fair goal and a
20 good compromise. Thank you.

21 CHAIRMAN CALTAGIRONE: Thank you. Questions
22 from the Committee? Staff?

23 MR. KRANTZ: Mr. Wallace and Officer Hayes, you
24 mentioned a person can get their license suspended when
25 they're not driving the car. You mentioned someone who was

1 walking down the street and they can be stopped and
2 arrested?

3 OFFICER HAYES: The law says it's consumption,
4 possession and transportation under the same section 6308.

5 MR. KRANTZ: And they call that drunken
6 driving?

7 MR. HAYES: No. That's underage drinking.

8 MR. KRANTZ: I see.

9 OFFICER HAYES: I'm not talking about anything
10 about drunk driving. If this juvenile is 16 and has got a
11 driver's license and this juvenile is driving a car and
12 drinking, we will give them a test, and by law if they're
13 .10, they will get arrested, not for consumption, but for
14 driving under the influence.

15 MR. KRANTZ: I see. Okay.

16 OFFICER HAYES: We're only asking for a change
17 under the consumption law, nothing else.

18 MR. KRANTZ: Thank you.

19 MS. WOOLLEY: I have a question. I don't know
20 if Officer Wallace could answer it, maybe both could give
21 your impressions.

22 Under Act 31 the way that it's written, where a
23 youth is arrested for 6308, the sort of all-encompassing
24 underage drinking statute, 6310.3, misrepresentation, and
25 the carrying false ID and then 6307, misrepresentation, sort

1 of the three bulwarks of that statute, there are two points
2 of discretion, one that is in terms of offering
3 pre-adjudication disposition, where it's a first-time
4 offense for that child, that's under current law, and
5 secondly, it can be ordered that the child undergo an
6 evaluation to determine his involvement with alcohol.
7 That's discretionary, the first offense.

8 At the second offense it's my understanding that
9 it becomes mandatory that that evaluation take place. Once
10 that evaluation takes place, then the child could be ordered
11 to undergo an education program that's I guess under DOH
12 guidelines or approval.

13 Is it your experience that those kinds of things
14 just aren't happening under present law? That maybe some
15 district justices aren't aware that there are education
16 programs out there? Or that they can exercise that
17 discretion and permit pre-adjudication disposition under
18 those three categories?

19 OFFICER HAYES: I can just basically state just
20 a couple things I've seen in my own jurisdiction. The fact
21 that district justices have a hard time, you can't make it
22 mandatory, our district justice makes it an alternative and
23 reduces the fine, as far as how she handles it.

24 Other district justices feel that the 90-day
25 suspension and the fine is severe enough; to do anything

1 else, and again, it's discretionary right now.

2 MS. WOOLLEY: Right. So that because of the
3 license suspension and the fine, even though the
4 pre-adjudication disposition doesn't leave any kind of a
5 record for that child, that there's still a reluctance to
6 admit a child into a program where even it could be
7 beneficial, like education?

8 OFFICER HAYES: That's correct.

9 MS. WOOLLEY: So that's sort of the crux of the
10 problem is that either-or?

11 OFFICER HAYES: That's correct.

12 MR. WALLACE: The education program is
13 additional and they don't want to tax them any more than
14 that. I can understand that, but in the long run I don't
15 think they are doing the best interest of the child in this
16 case. I can't tell them that.

17 MS. WOOLLEY: Thank you.

18 CHAIRMAN CALTAGIRONE: Any other questions?

19 (No audible response.)

20 CHAIRMAN CALTAGIRONE: Gentlemen, thank you very
21 much for testifying, and John, we will get back to you as a
22 wrap-up then.

23 REPRESENTATIVE BROUJOS: I would like to submit
24 this for the record.

25 CHAIRMAN CALTAGIRONE: Certainly.

1 REPRESENTATIVE BROUJOS: The statement of Mrs.
2 Wakefield.

3 CHAIRMAN CALTAGIRONE: We'll next hear from
4 Commissioner Walp.

5 Captain, do you want to join the Commissioner?
6 If you would like to.

7 COMMISSIONER WALP: Honorable Chairman and
8 honorable members of the House Judiciary Committee, I want
9 to thank you on behalf of the Pennsylvania State Police for
10 the opportunity to address this Committee on proposed House
11 Bill 2167.

12 It is axiomatic that alcohol is the number one
13 drug problem in America. In June 1984, a special study was
14 conducted by the Research Triangle Institute for Alcohol,
15 Drug Abuse and Mental Health Administration. It was
16 determined in their report, entitled Economic Costs to
17 Society of Alcohol and Drug Mental Illness, that the
18 economic cost to society, United States, due to alcohol
19 abuse in 1983 was \$116,674 billion, as compared to \$59,747
20 billion for other drug abuse, for example, marijuana and
21 cocaine. Although these figures are dated, they continue to
22 be significant.

23 An article in the Patriot News of a few months
24 ago, entitled, Task Force Targets Drinking by College
25 Students, written by Wythe Keever, reported alcohol has so

1 thoroughly pervaded the college experience that it has
2 become the drug of choice, say university and government
3 officials. National studies show virtually all, 94 percent
4 of college students, drink, and as many as 10 percent get
5 drunk once or twice a week.

6 Alcohol is the most widely used drug of choice
7 on college campuses today, and we cannot solve the drug
8 problem until we solve the alcohol problem, said Peter
9 Likins, president of Lehigh University of Pennsylvania.

10 Alcohol is an underlying influence in most acts
11 of vandalism and violence, including rape on college
12 campuses, and an incipient cause of death in automobile and
13 other accidents where college-age youths, Likins also said.

14 In 1991, the federal Office of Inspector General
15 reported that 51 percent of the nation's 20.7 million junior
16 and senior high school students have had at least one drink
17 within the past year, eight million students drink weekly,
18 and 454,000 binge weekly; 89.5 percent of high school
19 seniors have drunk alcohol at least once; and 32.2 percent
20 have experienced a binge of five or more drinks in a row
21 within the previous two weeks.

22 In 1988 the U.S. Department of Justice released
23 a special report on the Survey of Youth and Custody, 1987.
24 The report states 31.9 percent of juveniles under the age of
25 18 were under the influence of alcohol at the time of their

1 current offense. 55.4 percent stated they drank regularly,
2 one or more times per week in the year before admission.

3 Since July 1, 1987 through April 1992, the
4 Pennsylvania State Police Bureau of Liquor Control
5 Enforcement has arrested over 15,000 individuals for
6 underage drinking. Since May 24th, 1988, when Act 31 was
7 enacted, through 1991, over 103,000 youths were arrested by
8 state and municipal police officers and subsequently had
9 their licenses suspended under this act.

10 In 1990, 2,758 fatal traffic accidents in
11 America were caused by underage drinkers.

12 I believe the message is clear: Underage
13 drinking is a serious problem, with serious consequences.

14 I ask that you bear with me as I editorialize,
15 but I feel so compelled.

16 Madison Avenue would have you and I believe that
17 it doesn't get any better than this, if you drink a certain
18 alcoholic product. Others report that the Swedish bikini
19 team may drop in on you if you drink a certain alcoholic
20 product. These advertisements are geared towards our youth,
21 the younger generation. Youthfulness, joy, happiness,
22 thrills, fun in the sun if you just drink alcohol. The
23 logic being if one can or bottle of an alcoholic product can
24 do all of that for you, think of what multiple cans will
25 do.

1 The bottom line is to sell a product, to make a
2 dollar. The fact is, the reality is the misuse of alcohol
3 leads to pulling mutilated bodies from mangled steel,
4 witnessing an autopsy of a college youth who became so
5 intoxicated with alcohol he suffocated in his own vomit, and
6 the investigation of a gang rape which was predicated on a
7 teenage keg party. I submit as a policeman it doesn't get
8 any worse than that.

9 When we look at the scale of criminality and
10 compare homicides, robberies and the like to underage
11 drinking, it may appear that underage drinking enforcement
12 is frivolous, until you realize there is a connection.
13 Speak to any seasoned police officer and they will tell you
14 of the association.

15 The real war on drugs, including alcohol, is
16 waged in the minds of man. Hence, the winning of the war
17 will be ultimately won when the demand, the want is
18 extinguished. This can only be accomplished with mature
19 examples: Education, swift enforcement, with quick and
20 certain punishment.

21 There is nothing more coveted and in some cases
22 sacred to our youth and young adults than a driver's
23 license. I respectfully state that I believe the current
24 law is working as is. The current law ensures quick and
25 certain punishment that results in effective education. If

1 you drink alcohol and are convicted of an alcohol-related
2 violation, you will lose your driver's license.

3 We plead with you today, do not change the law,
4 keep it on the books as is. Thank you, Mr. Chairman.

5 CHAIRMAN CALTAGIRONE: Thank you, Commissioner.

6 Any questions?

7 MR. KRANTZ: Commissioner, you mentioned -- let
8 me turn to the page here, the Madison Avenue technique, et
9 cetera, you know, if you drink a beer you get to go to the
10 sunshine and you can drink more, et cetera.

11 In the arrests, the 103,000 arrests, has any
12 statistics come about as to the reason I drank a beer is
13 because I can go to Tahiti, or something like that? Are
14 there any, you know, anything to back that up?

15 COMMISSIONER WALP: To the best of my knowledge
16 I do not believe there has been any research studies on
17 that, specifically asking the fact.

18 As early as this morning I heard on the radio
19 that some of the alcohol companies are now going to have a
20 big advertisement on radio, television, to try to override
21 exactly what I have just been speaking about, which means to
22 me, the logic behind that is that there is an association
23 there where young people are drinking based upon the
24 advertisements they're hearing. But again, I don't have any
25 concrete --

1 MR. KRANTZ: I think there's something that just
2 was started in yesterday's Washington Post and New York
3 Times, a full page ad similar to that, because I was just
4 wondering, because I would presume the same presumption
5 that, you know, with the ads that it would induce someone to
6 drink, but I was wondering if there was any studies.

7 COMMISSIONER WALP: To my knowledge there's no
8 studies, but the people who work on Madison Avenue have a
9 great depth of knowledge what sells a product, and we know
10 who they're gearing in on.

11 MR. KRANTZ: Thank you.

12 COMMISSIONER WALP: You're welcome, sir.

13 CHAIRMAN CALTAGIRONE: Thank you, Captain.

14 We'll next hear from Thomas Bryer, Bureau of
15 Safety, Department of Transportation. If the other
16 gentlemen would like to come up and join him at the table,
17 feel welcome.

18 MR. BRYER: Thank you, Mr. Chairman. My name is
19 Tom Bryer. I am the director of the Center for Highway
20 Safety within the Pennsylvania Department of
21 Transportation.

22 The Department was somewhat tentative in its
23 support of the legislation which eventually passed as Act 31
24 of 1988. Our concerns were related to the linkage between a
25 non-driving violation such as using false identification,

1 and license suspension. However, any reservations have
2 completely dissolved at this point.

3 In the nearly four years since Act 31 has
4 passed, we have seen a dramatic and continuous drop in the
5 involvement of underage drinkers in traffic accidents. For
6 example, from July '78 through June of '91, the total
7 accidents involving underage drinkers have dropped 35.9
8 percent, on an annual basis, from 3,937 to 2,525.

9 In addition, the number of people injured
10 involving underage drinking drivers has gone down 32.4
11 percent, from 4,842 to 3,272. That's a savings of over 1600
12 injuries a year that can be attributed to reduced underage
13 drinking.

14 In addition, the number of people who have died
15 in accidents involving underage drinkers has dropped
16 dramatically, again, by 34.3 percent, from 207 to 136, or
17 about 70 people that have not died, on an annual basis.

18 So you can see from the data, about one-third of
19 young Pennsylvanians are being injured -- or less are being
20 injured or killed as a result of underage drinking than
21 before passage of Act 31. That is fairly substantial and
22 dramatic.

23 One thing that we have learned through the years
24 in our work with traffic safety is that one of the
25 teenager's most valued possessions is a driver's license.

1 The threat of losing that license is an extremely powerful
2 deterrent to any behavior that may lead to a suspension.

3 Since 1988, a total of 103,416 licenses have
4 been suspended by the Department for violations of Act 31.
5 I cannot help but conclude that many times that number of
6 young people have gotten the message and stayed away from
7 alcohol. Certainly, the accident statistics indicate that
8 they have definitely been mixing alcohol with driving at a
9 greatly reduced rate.

10 It is important, also, to note that a court,
11 including those not of record, already possess the authority
12 to direct the first-time offender to counseling.

13 I strongly urge you to maintain the current
14 period of license suspension as a penalty for violations
15 related either directly or indirectly to underage drinking.
16 It is important that the current period of suspension be
17 retained to remain an effective deterrent. Thank you.

18 CHAIRMAN CALTAGIRONE: Thank you.

19 Are there any other comments?

20 Would you just want to identify yourselves for
21 the record, by the way?

22 MR. MUSTIN: Robert Mustin, director of
23 legislative affairs for PennDOT.

24 MR. CARROLL: Michael Carroll, assistant
25 director of legislative affairs for the PennDOT.

1 CHAIRMAN CALTAGIRONE: Are there questions from
2 the panel?

3 (No audible response.)

4 CHAIRMAN CALTAGIRONE: Thank you. Thank you for
5 your testimony.

6 At this time we'll hear from Leon Czikowsky, who
7 is the aide for Representative Kevin Blaum, who has a
8 statement that he would like to make for the record.

9 MR. CZIKOWSKY: Representative Kevin Blaum is
10 sorry he was unable to attend today's hearing. He's a
11 member of the Committee but has to attend to business back
12 in his district in Wilkes-Barre.

13 He did want to state that he's very interested
14 in this legislation. He is the prime sponsor of the
15 existing underage drinking bill, and therefore, concerned
16 with its progress and any proposed amendments to it.

17 He did want it to be stated on the record that
18 he is opposed to any decrease in the 90-day suspension. He
19 believes that the 90-day suspension provision of the act is
20 a very effective deterrent, and does not wish to see that
21 provision weakened.

22 That's the entire message he wanted to convey at
23 this time.

24 CHAIRMAN CALTAGIRONE: Thank you, Leon.

25 There is a question from staff for Mr. Wallace?

1 If you wouldn't mind coming back.

2 MR. WALLACE: Yeah.

3 CHAIRMAN CALTAGIRONE: Chief of staff, Dave
4 Krantz.

5 MR. KRANTZ: Just a question on your experience
6 with your educational program or similar programs in the
7 country. How many people would then come back as a repeat
8 offender?

9 MR. WALLACE: That is somewhat difficult in that
10 we have eight district justices. There's no guarantee who
11 they will appear in front of. I am not able to give you an
12 exact --

13 MR. KRANTZ: No one keeps statistics at the
14 present time?

15 MR. WALLACE: No. I can safely say that we do
16 not have a lot of repeat offenders, but again, that wouldn't
17 be just one district.

18 MR. KRANTZ: Across the country, are there any
19 other similar programs being conducted now?

20 MR. WALLACE: I believe there may be one in
21 Lehigh County where all the district justices require young
22 people to go through an educational program.

23 New York state, of course, I had mentioned
24 before, I think has an extremely good program, in that if
25 you're 05 to 09 behind the wheel, you are arrested, you may

1 go through at least a 12-hour course, pay a little bit more
2 money. They have nothing about possession or transportation
3 in that regard. However, they also give the young person a
4 90-day suspension, but a bread-and-butter license to and
5 from the school, to and from work, et cetera. And if the
6 objective is to keep the young people from drinking and
7 driving, that law is right on the money.

8 But my concern is, I think, I think Act 31, even
9 though it is tough, it gives us an opportunity that we're
10 not getting to, and even the Commissioner said he believes
11 education, where is education in this thing? We need to
12 educate them. That is the best tool I can see of getting to
13 these young people who are drinking. And we aren't making
14 full use of it because we don't have an incentive. That's
15 what we're concerned about.

16 MR. KRANTZ: Thank you very much.

17 CHAIRMAN CALTAGIRONE: I just might add, for
18 Representative Broujos here, that there is a possibility of
19 a compromise that might be able to be worked out, mandating
20 that education of some sort be a requirement as part of this
21 somehow. You know, I'm just looking at it on the surface
22 right now, and not really taking away anything that's
23 already in the current law. Maybe adding a requirement.

24 You're saying if it's an inducement to a
25 mandated education, that there should be some type of an

1 incentive for that inducement, but if it's, in fact,
2 mandated as a part of it, for the education, you wouldn't be
3 upset if that would also be included?

4 MR. WALLACE: It probably would go statewide and
5 they would have to set up guidelines as they did for DUI,
6 certify instructors, et cetera, similar curriculum across
7 the board. That's what I would envision, if you do that.

8 CHAIRMAN CALTAGIRONE: Bob? Is there anything
9 like that that you know of currently?

10 MR. BRYER: Not for underage. We have it on the
11 ARD.

12 CHAIRMAN CALTAGIRONE: The ARD, but the
13 underage?

14 MR. BRYER: I think that would be an
15 enhancement.

16 CHAIRMAN CALTAGIRONE: And that would get to
17 what the Commissioner I think was pointing out, that
18 education is critical in this area for the younger people.

19 I like the points that were made by all the
20 speakers, really, about the education, because I think
21 that's a point we really may have missed, mandating that
22 kind of education for underage drinkers.

23 And I know what you're saying, you know, you're
24 saying there should be an inducement for them to do it, but
25 I'll tell you what, the real inducement would be in order

1 for them to even qualify for their license they'd have to
2 get the education first before they could even qualify for
3 that license. That's a heck of an inducement, because most
4 kids are just chomping at the bit at age 16 to want to get
5 that driver's license. If it's mandated because of a
6 violation or an infraction of the law with the legislation
7 as it is now, to also mandate that they get so many hours of
8 education. You wouldn't certainly be opposed to that, I
9 understand?

10 MR. WALLACE: No. I might like to add, I am a
11 certified ARD instructor now in Cumberland County. I am not
12 allowed to instruct -- and we won't go into that.

13 Let me say this, that I sat in on and taught 50
14 or 60 classes of adults, and that's why I am so concerned
15 about getting to these people when they're young. We can
16 get to them much earlier and we should be getting to them
17 much earlier, and the fact that we don't does not help those
18 people 23, 24 that come in there. In fact, their lives are
19 more injured the later they wait to hear this information.

20 CHAIRMAN CALTAGIRONE: You taught driver
21 education, I take it, then?

22 MR. WALLACE: No, sir. I'm an English and
23 social studies teacher.

24 REPRESENTATIVE BROUJOS: They always gave him
25 the toughest students to teach.

1 MR. WALLACE: I sort of had the sweatogs, and I
2 loved them.

3 CHAIRMAN CALTAGIRONE: Do you remember back when
4 they had the driver's education courses and the kids were
5 shown the movies, especially the coroner from the highways?
6 Do they still do that?

7 MR. WALLACE: Yes. They'll have the coroner
8 come in and show his slides, which I care not to see
9 anymore.

10 But we have to understand, in fact, the state
11 ARD, that's why the state ARD program is flawed, to me,
12 because they talk about giving you the wheel for the number
13 of drinks in your body weight and everything, and when you
14 get to a certain spot on the wheel you stop drinking. Well,
15 the nature of alcohol is such that by the time you get to
16 that spot, you're ready to throw the wheel across the room.
17 This is not something, even MADD's victims panels do not get
18 through to the person when he's had seven, eight, nine, ten
19 drinks. That just doesn't happen.

20 So I'm concerned even about a state program if
21 they try and put on the kind of things they have in ARD. I
22 don't see that as the most effective education.

23 CHAIRMAN CALTAGIRONE: What would you think
24 would be effective?

25 MR. WALLACE: Well, I think you have to appeal

1 to peoples' self interest, and one of the things, of course,
2 is young people don't realize is that your first DUI is
3 going to cost you \$10,000 with the insurance increases.

4 You have to also get to them from the physical
5 side so that they can start to understand their bodies and
6 what damage is done to their bodies. You have to understand
7 that they still don't seem to realize that what they do now
8 is going to affect them later in their lives, and that's
9 what I try to do, among other things. Plus, of course,
10 bringing the idea that they have a formidable array against
11 them now. The insurance companies are coming forth with
12 every conceivable piece of equipment that the police might
13 need, with the sniffers and the radar just to show probable
14 cause, et cetera, and that's fine. And with the booking
15 centers, the policeman is not off the street for more than a
16 few minutes. He can be back out and, of course, townships
17 and communities are getting more money from this. You know,
18 everything is against them.

19 CHAIRMAN CALTAGIRONE: Oh, yeah.

20 MR. WALLACE: And with the on-board computer, he
21 can punch out a license plate and tell if there is a prior
22 on there and follow them all the way to the borough line.
23 And they need to know this, that they are not going to win
24 and they're going to pay. I don't have anything against
25 they're paying. But he needs to be informed.

1 CHAIRMAN CALTAGIRONE: I would like to refer
2 back to the Department. Would you have any objections
3 against a mandated educational program?

4 MR. MUSTIN: No. But based on some of the
5 comments that have been made, we would clearly suggest that
6 any program that would be developed would be jointly
7 approved by both our Department and the Department of
8 Health.

9 CHAIRMAN CALTAGIRONE: Agreed.

10 MR. MUSTIN: Clearly we don't support an ARD
11 program that gives people the wheel and says, here's how
12 many drinks you can have. We support no drinking and
13 driving. I mean, not one drink, not two, not three, none.
14 Clearly any is damaging, and clearly the law reflects that
15 when it shows, you know, that you can be prosecuted for less
16 than point 10, you know, if the officer has grounds and so
17 on and so forth. So clearly we would say that any course of
18 education would be jointly approved by the Departments of
19 Health and Transportation.

20 CHAIRMAN CALTAGIRONE: You know, what I was just
21 kicking around, and I know we're going far afield, but what
22 I think is a very important subject, especially in light of
23 the statistics that were shared with us here today. Would
24 there be a possibility of a pilot project with some of the
25 federal and state program monies that are available? Maybe

1 even centering over in your area, where you can be working
2 with some of this, to see whether or not education and the
3 working of what you're talking about, you know, making sure
4 that the departments are included in that pilot to see
5 whether or not we have something there that we might
6 duplicate or replicate for the rest of the state? Do you
7 have any thoughts on that? And is there an access?

8 You know, I was on the Appropriations Committee
9 for a number of years, and there's always a lot of nuances.

10 MR. BRYER: The only concern I would have would
11 be one of funding to develop such a program. The
12 developmental costs are the big costs, and I would think
13 that to do it right, you're probably talking somewhere in
14 the neighborhood of 50 to a hundred thousand dollars.

15 CHAIRMAN CALTAGIRONE: Right. The reason why I
16 say that, with the federal funds that come flowing into this
17 state, and it's considerable, I might add, for drug and
18 alcohol, I mean, basically drug, but alcohol is a drug, so
19 it would fall under that area, with the Department that
20 handles a lot of that money, what I really would like to
21 see, and this is the perfect timing for this, John, with the
22 budget process right now, to possibly coordinate a segment
23 piece, and it's only a slice, a very, very thin slice, and
24 they have a lot of discretion over how that money is applied
25 and who gets it and programs.

1 I've seen it, I've worked very closely with
2 them, with the Department of Corrections and other areas
3 that they've been utilizing with community service and
4 halfway houses and all kinds of other things, and there's
5 been a lot of drug treatment education programs tied into a
6 lot of that. I think, from initial reports that we're
7 getting back, it's starting to have some positive effects.

8 MR. BRYER: The other thing that we would have
9 to be concerned with is to get the buy-in of the
10 magistrates.

11 CHAIRMAN CALTAGIRONE: Yes, right.

12 Commissioner?

13 COMMISSIONER WALP: I don't mean to come off
14 from the corner here somewhere, but I just think one point
15 should not be forgotten, and that was my point, do not
16 change the law from 90 days. If you want education, fine.

17 CHAIRMAN CALTAGIRONE: Right.

18 COMMISSIONER WALP: I think that's already being
19 done and it's already in the books to do that if it's
20 necessary, but 90-day suspension is working, it's saving
21 lives and that's what our job is all about.

22 MR. BRYER: That's what we're saying, too, keep
23 the 90 days.

24 COMMISSIONER WALP: Keep solid on that.

25 CHAIRMAN CALTAGIRONE: You wouldn't have any

1 objection, though, either, to an experimental, and I think
2 the State Police should certainly be part of this project,
3 to have their input into it, maybe pick the Carlisle area
4 because of what you're doing with the DJs over there and
5 your experience, and it's right in our back yard, possibly
6 articulate and work out some type of a pilot that we could
7 include in this year's budget yet?

8 There's still enough time, and if it's that
9 small amount of money, we might very well be able to get it
10 in there, because I think something like that is absolutely
11 needed. It's a demonstration project that you could show
12 about --

13 MR. WALLACE: You would have an opportunity,
14 then, to try and check the follow-up, which I cannot give
15 you.

16 CHAIRMAN CALTAGIRONE: Exactly. You would get
17 some good documentation as to what's working and what isn't
18 working.

19 MR. WALLACE: I might add that Dickinson
20 College, for second offenders caught on campus by campus
21 police, are now sending their young people to my program.
22 So you know, I'm doing something that is reasonable for
23 them.

24 CHAIRMAN CALTAGIRONE: John?

25 REPRESENTATIVE BROUJOS: Mr. Chairman, I would

1 like to point out that there is no dispute by these
2 gentlemen of the seriousness of the problem as clearly and
3 eloquently testified to by Commissioner Walp, and there's no
4 dispute with the fact that there has been the reduction.
5 However, the pre-adjudication program that's been discussed
6 as an option is not an educational program by definition.
7 Les Wallace's proposal is the only one that specifically
8 says a pre-adjudication program shall consist of not less
9 than an eight-hour course, no more than a 12-hour course
10 approved by the court on the subject of drug and alcohol
11 abuse.

12 Now, not disputing the reductions, if by a
13 mandatory system of education or this option, if it were
14 passed, or mandatory if it's imposed, according to your
15 suggestion, or you were under a pilot program, there may be
16 an opportunity to further reduce it, reduce the statistics
17 by an educational program.

18 CHAIRMAN CALTAGIRONE: I would really hope that
19 we could follow up on that. We do have some good contacts
20 over at the Department of Health that we've dealt with over
21 the past several years. I would be kind of surprised if we
22 couldn't spring some money up to possibly get something like
23 that started.

24 I don't know who wants to be the point man in
25 doing that, but John, since it's your bill and it's your

1 back yard, if you need any assistance or help, you know, I
2 certainly would be available, and any of my staff members
3 and anybody else that would like to help out.

4 REPRESENTATIVE BROUJOS: Thank you.

5 CHAIRMAN CALTAGIRONE: I think you had an offer
6 from both the Department and the Commissioner on trying to
7 get something started there, also. I think this would be a
8 golden opportunity to maybe put a piece of that together and
9 just see what would really happen there.

10 REPRESENTATIVE BROUJOS: Thank you.

11 CHAIRMAN CALTAGIRONE: If we're in agreement,
12 we'll follow up on that.

13 MR. WALLACE: Thank you.

14 CHAIRMAN CALTAGIRONE: Is there anything,
15 anybody else that would like to testify?

16 MR. KRANTZ: Could I ask one question of
17 PennDOT? On the educational ARD classes, has there been any
18 statistics kept as to repeat offenders?

19 MR. BRYER: I think there's national statistics
20 that show about a 28 percent recidivism rate.

21 MR. KRANTZ: Thank you.

22 REPRESENTATIVE BROUJOS: My comment on that,
23 that's an ARD program, not necessarily an educational
24 program.

25 MR. BRYER: Right.

1 REPRESENTATIVE BROUJOS: So the reluctance of
2 district justices to utilize that section 6308 D may well be
3 because they don't know what's being done in that program,
4 and secondly, there may be a cost associated with the
5 administration of it that comes out through the courts, and
6 then they have problems.

7 CHAIRMAN CALTAGIRONE: Thank you very much, one
8 and all. We'll now adjourn the meeting.

9 (Whereupon, the hearing was adjourned at
10 2:00 p.m.)

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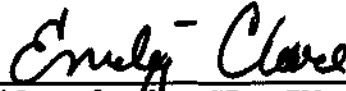
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