

Chair Moller and Members of the Committee,

Thank you for letting me speak to HF2130, my testimony will be focused on the new lookback periods as well as the time required to be in the program. While I can support safer roads in Minnesota, I do not believe these portions of this bill will be a positive step towards achieving this. While it is my opinion that extending the lookback period for the second offense from 10 to 20 years is unnecessary, I don't have recent data to support that, I will note that of the 15,189 individuals that received a first offense in 1998, 24.66% recidivated in within 5 years, 34.75% recidivated within 10 years, and 39.15% recidivated within 15 years, on that schedule for second time offenders, 6,036 individuals, had a subsequent offense at 30.25%, 41.80%, and 46.79% according to an office of traffic safety report from 2013.¹ One of the larger issues is changing the ten year lookback period to a lifetime lookback period for the third and subsequent offenses. The Minnesota Ignition Interlock Program Evaluation looked at arrest data from 2012-2015 and between 78.5% to 79.2% of those who were arrested for a third offense had two priors within 10 years.² While a lifetime lookback may catch individuals that has a chronic issue with alcohol or other drugs that get convicted of DWI, have a second DWI nine years after the first, and a third DWI twelve years after the second, it will also impact individuals who get convicted of DWI, have a second DWI one year after the first, and have a third eighteen years after the second. Combine this with the bill changing the time required to use ignition interlock for the third offense from three years to six years base time, and from four years to ten years base time for the fourth or subsequent offense, again regardless of circumstances, only penalizes all individuals for a longer period. The Office of the Legislative Auditor program audit released earlier this year found that 14,306 of 42,930 program participants committed a total of 41,067 program violations, if my math is correct that is a 66.68% compliance rate. Of 41,038 program violations 16,237 or around 40% of them were from a failed initial test where the individual did not take a retest, with 8.9% or around 1,445 initial tests registering a BrAC of 0.08 or higher, with another 27% or around 11,088 failing both the initial test and the subsequent retest, and another 13% or around 5,339 failed to service the device. I believe the number of violations is higher than it should be as once a violation is reported; it is difficult to have it removed if it is unwarranted whether a false positive on the initial test and the person deciding not to retest or getting the device serviced and not having it register in the service record. The audit also lists 47% or around 7,631 individuals had one violation which extends their time in program by 6 months, 20% or around 3,247 individuals had two violations extending their time in program for a year on top of the 6 months for the second violation, and 11% or around 1,786 had three violations

¹ Minnesota Impaired Driving Facts 2013, Office of Traffic Safety Minnesota Department of Transportation

² Minnesota Ignition Interlock Program Evaluation-Final Report By Greenway Transportation Planning

extending their time for the third violation by one and a half years again on top of the first two violations. It also found that 1,109, individuals received a subsequent offense while enrolled in the program.³ With this system, extending the base time, the minimum time in the program with no violations will only keep those who want to comply with the program longer. Let's be clear, the base time being discussed may not be the total time in the program whether the participant abstains from alcohol or not. This may lead to less willingness for people to enter the program to begin with so they drive illegally, or if people have a lengthy base time, gets two or three violations, they may decide not to stay in the program, again causing them to drive illegally. Many of these individuals end up in the criminal justice system where they can focus on changing the individual's behavior, whether it be on probation, which I do support HF1769 being heard today as it can help with that, or in DWI or other treatment courts. In a recent traffic safety plan, it states that Minnesota is one of the top states in number of designated DWI courts⁴ and I believe earlier this year they were working on establishing a DWI court in Clay County. Again, this bill does not look at the level of involvement within the criminal justice system or the likelihood of reoffending, keeping compliant individuals that have completed all requirements by the courts and probation in the program long after release from this close supervision. This may lead to long term collateral consequences such as undue financial burdens, around \$1,400 per year at a minimum and the OLA report found 2,034 of the 2,418 applicants for the department of public safety reduced fee program were approved in 2023, unhealthy stress and mental health issues, unnecessary program violations exacerbating the issues, and more individuals driving motor vehicles not equipped with ignition interlock. While impaired roadway users is number two in the top focus areas for reducing fatal and serious injury crashes in a recent online survey, bracketed by distracted drivers above and speed below, based on my research into DWI, I don't think broad, long term ignition interlock use will have a positive impact on the issue. Historically, upwards of 80%, are first- or second-time offenders, around 60% first time and 20% second time, with about half of second time offenders going on to getting a third, about half of third time offenders going on to get a fourth, and about half of fourth time offenders going on to get a fifth. That was the pattern from 1990-2017, with only slight variances over the years.

Thank you for your time today

Brandon Fox

³ Ignition Interlock Device Program Performance Audit, Office of the Legislative Auditor State of Minnesota, January 2025

⁴ Minnesota Triennial Highway Safety Plan FY24-FY26,