

AT THE ASSEMBLY - Legislators debate tougher drunken-driving sanctions - Another year, another plea

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* Opponents say the legislation does not solve the real problem: Scofflaws who drink and drive regardless of the law.

The state that counts the hospitality industry as one of its top moneymakers is once again debating what makes a person a drunken driver in Rhode Island.

The citizens who held photos of lost loved ones last night, as state legislators debated tougher drunken-driving laws for the 11th straight year, say they know all too well.

"What could I possibly say that's going to make a difference?" asked Richard Morsilli, who has told legislators many times before about his son Todd, a rising tennis star killed by a drunken driver 17 years ago. "All we're asking is that this year you let this get to the full House."

Once again, legislators are debating a package, heavily opposed by the food and beverage lobby, that would toughen drunken-driving laws, primarily by passing a bill that would lower the legal drunken-driving threshold a .10-percent to a .08-percent blood-alcohol concentration.

Freshly grieving faces of fathers whose children were killed by drunken drivers filled Room 313 at the State House for a public hearing last night. New tears fell on photo collages of young lives cut short. Killed recently was Katie DeCubellis, a 13-year-old who died on a Friday night in October when a driver slammed into the car she rode in on Route 4 in East Greenwich. Also killed in that accident was Marsha Bowman, 44, of East Greenwich.

In that case, Stephen Reise, 39, of Jamestown pleaded not guilty on Feb. 17 to 10 counts filed against him. He has been charged with two counts of driving under the influence with death resulting and driving to endanger with death resulting, along with three counts each of driving under the influence, resulting in serious bodily injury and driving to endanger, resulting in serious bodily injury.

The meeting room was all too familiar to some people, who have come to speak year after year, only to see the legislation die. More than one speaker said: "You probably remember me from last year."

The House Judiciary Committee did not vote on the package last night, nor did the issue produce much passionate debate. Judiciary Committee Chairman Robert Flaherty, D-Warwick, who scheduled the public hearing, did not attend. He was out of town, an assistant at his law office said.

The committee voted the package down 11 to 6 last year, with several committee members saying they were reluctant to turn social drinkers into criminals. But the Senate Judiciary Committee approved a compromise version of the bill that would impose different and increasingly severe penalties.

The legislation proposed this year would:

Lower the legal blood-alcohol level.

- * Give graduated penalties depending on a driver's blood-alcohol level.
- * Increase penalties for under-age drinking and those caught selling to minors.
- * Impose harsher penalties on first-time offenders.
- * Criminalize the refusal to submit to a chemical or breath test.

Forty-six percent of automobile fatalities are related to drunken driving in Rhode Island, William D. Ankner, director of the state Department of Transportation, said last night.

He pointed to posters of drunken-driving victims propped up against the dais.

"The time is now; it's long passed," he said. "The faces you see on the billboards before you are a testimony to a system that has failed."

Opponents to the bill say that it doesn't target the problem the scofflaws who drink and get behind the wheel regardless of what the law says.

Richard Berman, general counsel of the American Beverage Institute, told legislators that he sympathized with the families and in fact struggled with a recovering alcoholic daughter whom he feared would drive drunk. But putting the "social drinker" in jail because of the "heat and emotion and legitimate outrage" over drunken driving isn't the solution, he said.

Berman, as he did last year, brought out charts and graphs and spoke of statistics from Sweden, New Jersey, and a number of other places. The 17 states that have lowered blood-alcohol levels to .08 have had decreases, increases, and roller-coaster-like results related to fatalities, he said.

Even legislators bristled at the repeat discussion. "I don't want to talk about Sweden, or North Carolina, or New Jersey," said Rep. Timothy A. Williamson, D-West Warwick. "I want to talk about Rhode Island and our little streets and villages."

Rep. David N. Cicilline, D-Providence, who is proposing some of the legislation, said he believes that lowering the limit would deter some people from having those extra drinks. Cicilline told Berman that opponents to the bill seem to think there are two groups: hopeless drunken drivers and harmless social drinkers.

"As a criminal lawyer, I can tell you that there is a whole world in between," he said.

The Hospitality Association of Rhode Island has supported a bill that would make it illegal to have an open container of alcohol in a car and bills to toughen penalties for repeat offenders and for people caught driving with a .15 percent or higher blood-alcohol concentration.

Jim Ryan, of the National Highway Traffic Administration, said studies show that drivers with a .08 blood-alcohol concentration are too impaired to drive safely. They are 11 times more likely than other drivers to seriously harm someone, he said.

Jessica Harig, 13, sat in the front row with other speakers and cried. Katie DeCubellis was her friend, she said. Katie's parents were there, too.

"If you can prevent anyone else from going through what my wife and I went through the night a state trooper came to our house, and in front of our 10-year-old son, had to tell us our daughter was dead, please do it," John DeCubellis pleaded.

AT THE HEARING: State Rep. H. Norman Knickle, D-Warwick, listens to yesterday's testimony.

ADVOCATE: Millie Webb, of Franklin, Tenn., testifies before the House Judiciary Committee yesterday in support of legislation that would lower the legal blood-alcohol limit and increase penalties for drunken driving in Rhode Island.

Journal photos/CONNIE GROSCH

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