

Drunk driving — arrests and penalties

DWI bill predicted to pass, open container bill doubtful

by Robert McGlohon
Battalion Staff

In the next 23 minutes, some in the United States will be led by a drunken driver. If it appears in Texas, that drunken driver faces only a nine percent chance of conviction.

That may change, however, if one of several driving-while-intoxicated bills pass the Texas legislature.

evidence in court and allow insurance companies to assess DWI offenders higher fees for three years after a conviction.

But the biggest loophole to be closed by SB1 is deferred adjudication, said Kirk Brown, president of the Brazos County chapter of Mothers Against Drunk Driving. MADD is a national organization that has been lobbying hard for DWI bills before the Legislature.

"(Deferred adjudication) is a cop-out for the judges because they can let the people off, and their record can be wiped clean," Brown said. "People can get a first offense 10 times in a row."

Under current law, deferred adjudication allows a DWI conviction to be set aside if the offender successfully completes a probationary term—usually 6 to 12 months. And because a habitual drunk driver only is arrested once every two and one-half years, his record is clean by his next arrest, Brown said.

Under that system, someone on trial for involuntary manslaughter while driving under the influence of alcohol may plead that it was a first offense—even if it wasn't. And jurors probably won't send someone to jail for a first offense, Brown said.

SB1 would change all that. If it passes the House unaltered, SB1 will eliminate deferred adjudication and allow

probation on the first offense only.

However, judges still will have some leeway in dealing with DWI cases, Robert Mead, aide to Sen. Kent Caperton, said. Caperton, D-Bryan, pushed for that provision of SB1 when he co-sponsored it, Mead said, adding that as with other crimes, DWI cases sometimes have mitigating circumstances.

"That's something the senator fought for—changing some of SB1 to make sure judges still have a lot of discretion," Mead said. "With DWIs, like anything else, there are mitigating circumstances. You can't just set the law right out from the beginning saying that you get this, you get that."

Judges will be allowed to grant probation on a first offense, Mead said, and while offenders will have a record in a legal sense, they won't have one in a civil sense.

"The senator (Caperton) fought hard to make sure that (deferred adjudication) is not for civil purposes," Mead said, "because he wants to make sure that someone who makes a mistake ... (won't) have to pay for it all his life."

"If he does it again, it will be on his record, which hasn't been allowed until now. But for civil purposes—say he wants to go to law school or wants to take a job at a place that would not hire someone who they thought was an alcoholic—then that won't

be on his record," Mead said.

Because judges will be allowed some discretion in handling DWI cases and because of the "public outcry" for tougher drunken driving laws, SB1 stands a good chance of passing the House and becoming law, Mead said. Sarpalius and Brown agreed.

But Mead said that SB2, another bill sponsored by Sarpalius, probably won't be voted on by the full Senate, although it has passed the Senate State Affairs Committee.

SB2 would prohibit open containers of alcohol in a moving vehicle, making drinking while driving illegal. Texas is one of 17 states in which it is legal to drink and drive at the same time. All but four of those states currently are trying to pass "open container laws."

Sarpalius said that his second bill, like SB1, is crucial in trying to curb drunken driving.

"Of course I think the DWI bill, Senate Bill One, is very important," Sarpalius said. "But the open container bill is very important as well. It doesn't make sense to tell the people that everybody in the state wants to get serious about drunk driving and to pass a strong DWI bill, but then turn around and tell them it's still legal to drink and drive."

Sarpalius admits that SB2 has an uncertain future.

DWI arrests are rising due to public interest

by Ronnie Crocker
Battalion Reporter

There has been a sharp rise in the number of arrests for drunken driving in Texas recently, and state and local law enforcement officials say this is due to pressure from increased public awareness.

Officials of the Bryan and College Station police departments and the Texas Department of Public Safety attribute this awareness to the work of citizen groups like Mothers Against Drunk Driving.

In Bryan, there were 137 DWI arrests made in the first three months of this year. This is a 39 percent increase over the 99 arrests made in the first quarter of 1982.

College Station Police Maj. Edgar Feldman said that the 41 DWI arrests his department made in March also represents an increase over the total number of arrests made last March.

The upward trend in the number of DWI arrests seems to be statewide. Texas DPS officers made 112,407 DWI arrests in 1982—a 25.6 percent increase from 1981.

Larry Todd, public information officer for the department, said he believes that the trend is nationwide as well.

Spokesmen from each of the three agencies agreed that the increase in the number of arrests is due to increased public concern over the problem of drunk drivers.

They attribute this concern

has been largely instilled by groups like MADD.

An increase in the number of drinking-related accidents has helped to bring the problem to the attention of the DPS, Todd said.

But if the police are cracking down more on drunk drivers because of public pressure brought about by groups like MADD, are they neglecting their enforcement of other laws?

Lt. Gary Wentreck of the Bryan Police Department said that while the police never ignore DWI or any other crime, their emphasis sometimes shifts to more pressing crimes.

For example, if there is an increase in the number of robberies, the police will keep a closer eye on buildings and homes.

He says that with rising public interest in the problem, the Bryan police have been giving more priority to catching drunk drivers over the last six months.

The Bryan police department organized a DWI task force last November. It was composed of police officers working overtime and looking solely for drunk drivers.

Working only three days a week, mainly between 8 p.m. and 2 a.m., the most frequent hours for drunks to be on the road, the force made close to 100 arrests in just a couple of weeks.

No plans have been made

for another task force in Bryan through October. That is when the police department's next fiscal year begins, and Wentreck says there is a possibility that funds for another force may be set aside when the budget is made.

Todd says that his office is constantly receiving letters from people about drunk drivers, as are the city police departments.

He says that this is because the public is becoming more sensitive to the problem due to the work of groups like MADD.

The local chapter of MADD was started in May and now has about 50 members. It is funded entirely by donations and member dues.

Kirk Brown, president of the local MADD chapter, said the organization here is designed to work "behind the scenes" to make people more aware of drunk drivers and get them to report drunks on the roads.

They do this in several ways, he said, such as constantly sending out public service announcements about drunk drivers.

MADD also tries to inform the public on two different levels—by describing the problem to the public and by showing the public what they can do to help.

They also work with the Legislature to eliminate loopholes in drunk-driving laws.

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