

## Mandatory BAC Testing for Drivers who are Killed

Statutes which create mandatory testing for all drivers killed in vehicle crashes.

### Overview

A vehicle crash scene is chaotic. Determining whether the crash was alcohol-related is secondary to saving the lives of those involved in a crash, as it should be. Nationally, in crashes that caused death or serious injury in 2003, only 24 percent of surviving drivers and 66 percent of killed drivers had their blood alcohol concentration (BAC) tested and available.

Knowing whether a crash was alcohol-related is important for a number of reasons. More testing means a greater chance of detecting drunk drivers. A study in one state found that more than 80 percent of drunk drivers with a BAC of .10 percent or higher who were involved in motor vehicle crashes and admitted to hospital emergency departments were not held responsible for their crimes because hospital personnel did not report their BAC level to authorities. (McNamee, 2001)

More testing helps to gauge the effects of policies and programs that combat drunk driving and help law enforcement professionals allocate their resources to the areas most in need of enforcement. Lack of testing makes the problem hard to quantify and hard to combat.

Finally, testing for alcohol in crashes can help offenders get treatment for any underlying problems with alcohol. People who come into the emergency department are one and a half to three times more likely to have alcohol abuse issues than primary care patients. (Cherpitel, 1999) Studies show that emergency room-based interventions can decrease future drinking and driving, traffic violations, alcohol-related injuries, and trauma re-admissions. (Gentilello, 1999) (Monti, 1999) Treating offenders' problems with alcohol makes us all safer.

There is no single solution to improve BAC testing rates. However, action by state legislators can help in two areas.

- ✓ First, your state legislature can require BAC test results be obtained from all drivers involved in fatal and serious injury crashes. This gives law enforcement the mandate they need to follow up and get blood tests at a hospital.
- ✓ Second, the legislature can require hospitals to turn over blood tests from drivers who have illegal BAC levels. This makes sure that criminals cannot use hospitals as "safe havens."

## Mandatory BAC Testing for Drivers who are Killed

Mandatory	Not Mandatory
Alabama	Alaska
Arizona	Arkansas
California	District of Columbia
Colorado	Georgia
Connecticut	Indiana
Delaware	Iowa
Florida	Kansas
Hawaii	Maryland
Idaho	Massachusetts
Illinois	Montana
Kentucky	Nebraska
Louisiana	North Carolina
Maine	Oklahoma
Michigan	Pennsylvania
Minnesota	Rhode Island
Mississippi	Tennessee
Missouri	Texas
Nevada	Vermont
New Hampshire	Virginia
New Jersey	Wyoming
New Mexico	
New York	
North Dakota	
Ohio	
Oregon	
South Carolina	
South Dakota	
Utah	
Washington	
West Virginia	
Wisconsin	

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