

Pennsylvania State Police Testimony

Senate Transportation Committee

Evaluating Changes to Pennsylvania's DUI Law

September 21, 2021



Good morning Chairmen and members of the committee. I am Major Robert J. Krol, Jr., Director of the Pennsylvania State Police (PSP) Bureau of Patrol. With me today is Corporal John E. Witkowski, Supervisor of our Driving Under the Influence (DUI) and Drug Recognition Expert (DRE) programs. Thank you for the opportunity to appear before you today to provide information pertaining to proposed changes in Pennsylvania's DUI laws.

Improving the quality of life for the residents and guests of Pennsylvania by prioritizing highway safety is one of the highest goals of the PSP. In working toward this goal, the PSP employs multiple crash-reduction strategies which are developed through a variety of methods, including the monitoring and evaluation of crash-related data and by working in partnership with the Pennsylvania Department of Transportation, along with other state, federal, and private entities involved in the transportation sector.

A significant part of this crash-reduction strategy includes management of the Department's Impaired Driving Enforcement programs, which are all designed to identify impaired drivers and take appropriate enforcement action, preferably before a traffic crash occurs. These programs include DUI Roving Patrols, Sobriety Checkpoints, the Drug Evaluation and Classification Program, Advanced Roadside Impairment Detection Enforcement (ARIDE), Drug Impairment Training for Education Professionals (DITEP), Chemical Breath Testing, Standardized Field Sobriety Testing (SFST), Current Drug Trends and Operation Nighthawk events.

Most often, a PSP Trooper encounters a suspected DUI driver either by initiating a traffic stop for a traffic law violation or by conducting a traffic crash investigation. Under these circumstances, provided the suspected impaired driver is not incapacitated, the Trooper would administer the Standardized Field Sobriety Test (SFST) battery to assist with assessing the driver's level of impairment and aid the determination of whether the person will be arrested. A primary purpose of the SFSTs is to determine whether the driver's blood alcohol concentration (BAC) is illegal. The SFSTs are administered after the officer suspects that the driver is impaired by alcohol and/or other drugs.

When the presence of alcohol is low or non-existent, the Trooper may summon a Drug Recognition Expert (DRE) to assist with determining if drugs are the cause of the impairment and, if so, what drug classification the driver is under the influence of. The DRE evaluation is a process of systematically examining a person suspected of being under the influence of a drug, for the purpose of ascertaining what category of drugs (or combination of categories) is causing that person's impairment. A trained DRE can identify, with a high degree of reliability, the distinguishing signs and symptoms of seven broad categories of drugs. This identification aids with the DUI-Drug investigation.

The PSP remains committed to removing impaired drivers from our Commonwealth's highways to reduce crashes, and the injuries and fatalities that they cause. That said, we believe from our review of SB 167, that it generally does not have a negative impact on highway safety as it relates to providing an exception for medical marijuana from the requirements of section 3802(d)(1)(i), especially when viewed in concert with the new language inserted in section 3810, relating to it not being allowed to be used as a defense to a charge of violating Chapter 38.

There is one area of concern in SB 167 we would like to point out for your consideration regarding the change to the definition of Controlled Substance, under Section § 1603. Chapter 16, Commercial Drivers, is written to maintain regulatory compatibility with the Federal Motor Carrier Safety Regulations, found at Title 49 Code of Federal Regulations, and failure to do so may cause issues with federal funding streams received by the Commonwealth. For this reason, we respectfully recommend the Committee consider consulting with the Federal Motor Carrier Safety Administration regarding this portion of the bill.

Once again, I would like to thank the committee for inviting the PSP here to speak on this matter. We will now be happy to take any questions you may have.