



**IMPAIRED
DRIVING
ENDS HERE.**

**Frank Harris
Director of State Government Affairs
Mothers Against Drunk Driving
Testimony in Support of SB 36-0027 (Jah'niqua's Law)
Committee on Homeland Security, Justice and Public Safety
June 5, 2024**

Thank you Chairman Joseph and members of the committee for allowing me the opportunity to testify today in support of Senate Bill 36-0027, also known as Jah'niqua's Law. My name is Frank Harris and I am the Director of State Government Affairs for Mothers Against Drunk Driving.

MADD thanks Senator Gittens for authoring this important proposal. MADD thanks this committee for the flexibility to allow MADD to testify remotely.

This proposal is important because the battle against drunk driving is far from over. Since 2019, the U.S. has experienced a 22% increase in alcohol-related crash deaths, and a rising number of drivers in fatal and serious-injury crashes are testing positive for other drugs. Additionally, drunk driving costs the U.S. economy \$58 billion a year. The National Highway Traffic Safety Administration (NHTSA) estimated 12,429 people died in alcohol-related drunk driving crashes in 2023.

Jah'niqua's Law mirrors a national effort called Bentley's Law. This is a grassroots and organic movement to seek justice for victims of substance-impaired driving and accountability for those who commit this 100% preventable violent crime

The idea of Bentley's Law came from Missouri resident Cecelia Williams in 2021. She named the proposal Bentley's Law, for her grandson, Bentley, whose parents Lacey Newton and Cordell Shawn Michael Williams and their 4-month-old son, Cordell Shawn Michael Williams II, were killed in a fiery crash on April 13, 2021.

Just over three years later, a majority of states in the United States introduced proposals like Jah'niqua's Law. The support and movement around Bentley's Law in a mere three-year span is remarkable. Seven states – Tennessee, Kentucky, Texas, Maine, South Dakota, Utah and Montana – have passed versions of this legislation before this committee today. Additionally, last December, the Cayman Islands also enacted a similar law.

MADD's hope is that you will pass this legislation and join a movement that is spreading globally.

MADD supports this proposal because it is a victory for victim rights. If a person makes the choice to drive substance-impaired and kills a parent or legal guardian, the impaired driver will encounter another consequence for their deadly decision. To the victims of the impaired drivers, this proposal allows for another avenue of restitution to help ensure justice.

If there are concerns on how Jah'niqua's Law will be implemented, please let MADD know. MADD will graciously work through any concerns in order see this proposal become law, as we did in six states and Cayman Islands with this law. Mr. Chairman and members of committee, thank you for allowing me to testify today on behalf of Mothers Against Drunk Driving. We urge your support of this proposal to help provide justice for victims of impaired driving.

Q and A on the Implementation of Bentley's Law

Since 2022, seven states enacted Bentley's Law: Tennessee, Kentucky, Texas, Maine, South Dakota, Utah and Montana

Which court determines restitution payments? In states with Bentley's Law, the cases are adjudicated in civil court.

When will impaired drivers start making restitution payments? Most proposals allow impaired drivers to wait at least one-year after they are released from incarceration to start making payments.

Will impaired drivers be able to afford restitution payments? There will be instances where an impaired driver is able to make restitution payments. Currently, after incarceration, impaired drivers who kill a person may have a list of mandatory payments and fines to make as part of their sentence. If a court orders restitution payments as part of Bentley's Law, the payments would be part of other mandatory payments required by law. MADD believes restitution payments made to victims should take priority over other mandatory fines or fees.

What should the court consider in determining restitution amount? The court shall consider all relevant factors, including the:

1. Financial needs and resources of the child or dependent;
2. Financial resources and needs of the surviving parent or guardian of the child or dependent;
3. Standard of living to which the child or dependent is accustomed;
4. Physical and emotional condition of the child or dependent and the child's or dependent's educational needs;
5. Child's or dependent's physical and legal custody arrangements; and
6. Reasonable childcare expenses of the surviving parent or guardian.

Will most impaired drivers still be incarcerated when the surviving children turn 18? There will be instances where an offender will still be incarcerated when the surviving child turns 18, but impaired drivers who cause fatal impaired driving crashes do not typically receive lengthy sentences. Additionally, impaired drivers are released early and do not serve their full initial court-ordered sentence.

Who will monitor the restitution payments? The payments would be monitored and enforced in the same framework as required civil case payments.

Would Bentley's Law limit recovery in wrongful death suits? No. A victim could still obtain recovery from third parties (not the impaired driver who caused the crash). However, payments made by the offender to victims via Bentley's Law would offset other civil lawsuits against the offender made by the victims (ie. the impaired driver would not be subject to Double Jeopardy).

Would this be faster than the current remedy (civil suits)? In some cases, it might be quicker to obtain a remedy from a third party (not the offender). Bentley's Law payments would run concurrently to any third-party civil remedies.



Here is an example of a case in Tennessee where a victim was able to utilize Bentley's Law.

In discussion with the District Attorney before sentencing, the restitution calculator stated the plaintiff would be owed an amount of around \$300,000 for the deceased loved one's two minor children. The District Attorney called an individual on the stand who had 20 years' experience with child support law to testify to the amount we should receive.

The defendant's lawyer attempted to get the plaintiff to settle outside of court but since they were already going to sentencing, the plaintiff refused. The defendant's lawyer wanted the plaintiff to accept \$75,000. The plaintiff refused each time.

The judge reviewed all information and came back within a week and ordered the defendant to make payments of \$500 to the oldest child and \$400 to the younger one until they graduate high school. The Judge ordered more on the oldest child due to the financial needs.

The plaintiff had to give all financial information before, after and currently to obtain Bentley's Law payments. This means paycheck information, bills, much life insurance, social security payments, and all banking information.

The judge also put in the paperwork when the defendant would have to start paying the restation payments.

Revised April 22, 2025