

# Expunge Bill Illuminates Inequities for First Offense Drinking Drivers

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Any drinking and driving conviction stays on a Michigan citizen's record *for life*. In comparison, if an individual is convicted of breaking and entering into a home or an even more serious violent crime, that felon's criminal record can be expunged after five years.

If passed, Representative Stacy Erwin Oakes' recent plan outlined in House bill 4106, will further allow some felony convictions to be expunged from a criminal record even if that record has up to two additional misdemeanors. Currently, the law limits eligibility to citizens with one conviction, felony or misdemeanor, unless that is, the conviction involves drinking and driving.

This reconsideration of our laws *could* be applauded as forward thinking progress for the good of our state, giving thousands of citizens a fresh opportunity to be productive and prosperous, yet it specifically prohibits our judges from setting aside any drinking and driving traffic conviction, including first offense impaired.

The bill not only excludes a significant segment of the population from equal consideration but it offers greater opportunity to a wide variety of our state's felons to succeed in their chosen occupations than it does to our misdemeanor, first offense drinking drivers.

It is only the latest example in the continued criminalization and especially punitive treatment of this group, even as compared to those convicted of assault, arson, breaking and entering and other crimes often committed with full criminal intent.

The general public remains largely unaware of these disparities where a drinking and driving conviction already has become more prohibitive to employability and future success than many other criminal convictions. By the time they become aware, many have already unknowingly supported insurance industry and other special interest group agendas that with full disclosure and common sense, most would not.

We have made tremendous improvements in our laws and attitudes regarding alcohol and driving. However, the pendulum has swung so far that it is now working contrary to the needs of our citizens. It has never been more important than it is today for the public to be aware of the extremes being carried out by our legislature and courts.

Most judges, attorneys and sheriffs understand that the courts and jails have been hijacked to promote well financed pressure group agendas but are reticent to speak out without the public first becoming deprogrammed. The issue is not only used as a platform by elected officials but used against them under threat that these pressure groups will support or put forth their competition in the next election.

A review of the latest statistics published by the Michigan State Police in their 2009 Criminal Justice Information Center, Annual Drunk Driving Audit blame *sober* drivers for over 90% of the property and injury accidents on our highways. These statistics begin to expose the fallacy of the public's perception.

Drinking and driving is the most frequent serious interaction that Michigan citizens have with the courts. At nearly 60,000 yearly arrests statewide, this area of law is in the forefront of the battle to preserve personal liberties which are increasingly under attack these days.

Two thirds of those who commit first offense drinking and driving never offend again. These citizens should be afforded equal protection and relief.

If the legislature and public wish to increase employability for the economic benefit of our state rather than increase membership in the criminal classes, it will require courage and common sense. We can start by removing the required lifetime records of first offense impaired driving convictions and include the ability to expunge these offenses in any legislation that seeks to expand the opportunities.

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