

.08 LAW COURTS TROUBLE

Let's get ready to rumble. The first part of the province's new impaired driving rules is about to hit the streets at month's end.

It is where the Redford Tories caught the least grief because it involves drivers with an .08 beef.

No one can defend someone who drinks over the Criminal Code limit and then drives. They pose a risk. They've broken the law.

But what if they haven't broken the law? What if they are charged under the law but still haven't had their day in court?

What if the court date is nine, 10, 11 months or a year away, as is often the case? Should they have no licence for nine, 10, 11 months or a year?

What happens to those who are acquitted, those found not guilty?

Shouldn't tougher penalties, perhaps tougher ones than even now, come in AFTER conviction.

Ric McIver, the province's new transportation minister, says of these drivers he's "not sure they're automatically guilty but they automatically start to pay the consequences."

McIver says it's "completely consistent" with other situations where someone is charged and arrested and loses their freedom.

In those cases, of course, they're often released outright or on bail pending the trial.

No matter. Now, lawyers from many quarters are all for going to court to get this indefinite licence suspension tossed.

It is a legal creation seen by a lot of folks with big brains as an obvious move to get people to plead guilty even if they feel they aren't.

Oh yes, former Wildrose MLA Paul Hinman wanted to tinker with the province's brainwave so a licence suspension after three months, but before the trial, could be set aside if the per-

IF YOU BLOW OVER .08 NOW:

Licence suspended immediately for 24-hours; driver gets a 21-day grace period followed by a 90-day licence suspension. Vehicle seizure not mandatory. Applies to the 1st, 2nd and 3rd convictions within 10 years.

BLOW OVER .08 AFTER JULY 1, 2012:

- (1st conviction) Immediate licence suspension until you're found guilty or not guilty
- Vehicle seized for 3 days
- (2nd & 3rd convictions) Immediate licence suspension until charges resolved, 7-day vehicle suspension

ALCOHOL
LIMIT
.08

CHECKSTOP
CALGARY POLICE
SERVICE

GRADUATED LICENCE NOW:

(Non-criminal level of alcohol in bloodstream)

- Immediate 24-hour licence suspension, 7-day grace period, 30-day licence suspension, no vehicle seizure

AFTER JULY 1, 2012:

- Immediate 30-day suspension, 7-day vehicle seizure

MANDATORY IGNITION INTERLOCKS

NOW:

Device installed in vehicle that makes tests driver's blood alcohol before it starts

- For 1st, 2nd and 3rd conviction within 19 years
- Term: 6 months — Registrar may extend

AFTER JULY 1, 2012:

- 1st conviction: 1 year — Registrar may extend
- 2nd conviction: 3 years — Registrar may extend
- 3rd conviction: 5 years — Registrar may extend

son put an alcohol-sensing device in their vehicle.

Hinman's idea didn't see the light of day.

The law as you see it was fast-tracked, came into force this past December and then was not to be enforced until after the election.

Imagine that.

Every time McIver speaks it sounds like the law is no big deal. The vast majority should just keep on keeping on.

Whether it's the .05 law coming to a city or town near you Sept. 1 or the indefinite suspension for anyone charged for the .08 offence it's a "proven way to change behaviour" for McIver.

"We're trying to get the

attention of those people who choose to drive after overdrinking."

The province's lawyers say it will stand up in court. Besides, driving is a privilege, not a right, don't you know.

Sgt. Rick Butler of the Calgary police talks to the press Tuesday and backs up McIver about the law surviving a legal challenge.

Butler does say of the .05 and .08: "I think it would be ignorant of anybody to expect there wouldn't be an appeal process through the courts for either of these programs."

Timothy Dunlap is a lawyer who fights for people in Calgary and Edmonton facing charges for driving

offences, including impaired.

Dunlap says there will certainly be a court fight on the .08 guilty-until-proven-innocent indefinite suspension. Come July 1, attempts will be made to get suspensions put on hold until there's a ruling from a high enough court on whether the province's move is legal.

The lawyer says there has already been many discussions among impaired driving lawyers and privately even some Crown prosecutors don't like the new law.

"The government has gone too far and tied it to court proceedings. I think you'll see a lot of people lawyering up," he says, of those

charged starting July 1.

Dunlap is naturally also unhappy with the .05 law where, as he says, a whole lot of people have been told drinking responsibly is staying under the legal limit.

Now the province is going after them with vehicle and licence seizures and towing and storage bills and, beginning the second time a person is driving over .05, courses paid out of pocket.

Some already speculate if the .05 law isn't as successful as the province wants penalties could be stiffened.

"When people are standing at the end of Deerfoot and finally see their car getting towed away

that's when the light bulb goes on," says Dunlap.

Back at city police HQ, the scribbler asks the plain-speaking Sgt. Butler if that .05 law will make a significant difference in saving lives and reducing fatal and injury collisions.

"I can only speak theoretically to that question. I would love to say it's going to do all those things you said. We certainly have seen the results in other provinces," says Butler.

"We're hoping. I know the province is hoping that will also happen here in Alberta."

Lawyer Dunlap's quick response?

"It isn't over."