

Impaired driving. No loopholes in new legislation

Attempting to find a loophole in Alberta's new impaired-driving legislation may actually do more harm than good in the courtroom, police and lawyers suggested Tuesday.

After Alberta Transportation Minister Ric Melver laid out plans for tougher sanctions for both .05 and .08 infractions Tuesday, talk emerged on a local radio station and social media about ways to get around the mandatory licence suspensions — namely refusing to provide a breath sample to police.

Not so fast, said police Sgt. Rick Butler.

"If you don't provide a breath sample, you are facing immediate, very strict sanctions," he said, adding the penalties would be identical to a .08 charge — an indefinite licence suspension and a requirement to install and pay for an ignition-interlock system in your vehicle for a one-year minimum.

Local defence lawyer Danusia Bourdon said she generally advises accused impaired drivers to provide the breath samples, as it can be tougher to fight a refusal-to-provide charge.

"They (clients) have kind of sealed their fate by refusing," she said.

Other lawyers speaking to Metro Tuesday did not take as hardline of an approach, noting each case is different and accused drivers do have the right to seek counsel before providing a second reading at a police district office.

"I have got one foolproof method to beat the system," said lawyer Bob Sawers. "Don't drink and drive."

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