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## NEW LAW EXPECTED TO LESSEN FATALITIES POLICE ANTICIPATE MORE DUI ARRESTS

*Jim Walsh, The Arizona Republic reporter Carlos Miller  
contributed to this story.*

East Valley police are looking for to more arrests and fewer fatalities, a Tempe defense attorney expects more trials, and Mesa is hiring a new DUI prosecutor to handle a bigger caseload.

Virtually everyone expects more arrests, possibly 10 percent more, as Arizona's new DUI law takes effect at 12:01 a.m. Saturday, dropping the level at which drivers are presumed under the influence of alcohol to 0.08 percent blood alcohol concentration from 0.10 percent.

But no one can agree on whether the lower limit will create an avalanche of cases and a log-jammed legal system, or a trickle of additional arrests from police DUI task forces during Labor Day weekend and other holidays.

Either way, experts are advising drivers to think twice before drinking and getting behind the wheel. And they say drivers should re-evaluate how many drinks it takes them to become legally impaired.

"It will probably stop people from having a couple of doubles before they drive," said Lowell Hamilton, Mesa's chief prosecutor. "I think people should be aware of the effects of alcohol on their driving. It doesn't take much to hit the limit."

He estimated that the law would result in about 500 more DUI court cases per year in the city.

Mesa police Sgt. Bill Peters is looking forward to the lower limit, not only for making more arrests, but also for saving lives by deterring drunken driving.

"We're estimating that we're going to have a 10 percent increase in arrests," Peters said. "This is a big day for us because we've been pushing this for a while. It's something that needed to be done."

Peters' estimate is based on results obtained from the National Highway Traffic Safety Administration, which analyzed impacts in several states that have reduced the legal drinking limit to 0.08 percent from 0.10 percent.

"Based on those studies, we're estimating that we're going to see a reduction in fatality and injury collisions as a result of impaired drivers," Peters said, with about 25 percent of Mesa's traffic fatalities alcohol-related.

**Craig Penrod**, a Tempe defense attorney who specializes in DUI cases, views the new law as open season for police officers.

Although police officers need probable cause to stop drivers for suspected drunken driving, "it's a really low threshold in this state," he said.

He said most people are aware of the new law because of heavy media coverage, but added, "I don't think they understand what it means. What does it take them to get there?"

For instance, a 100-pound woman who has two 4-ounce glasses of wine during dinner would have a 0.09 percent blood alcohol concentration and face a potential conviction if arrested, **Penrod** said.

Many drivers have no symptoms of impairment at 0.08 percent and will not want to plead guilty, he said. Drivers arrested for DUI with a 0.10 percent reading have reacted similarly under the prior law.

DUI defense attorneys may have plenty of new business after the annual DUI task force this weekend.

"Usually in the past, we did saturation patrols and checkpoints only on Labor Day, that Monday, but this year, we'll be doing it the whole weekend," Mesa's Peters said.

Chandler Justice of the Peace Ron Johnson said he expects an increase in arrests and citations because of DUI task forces. He also believes many people probably drink and drive at or near the present level and get away with it.

"By continuing to drive at that level, they don't realize it's going to increase their odds of being caught," he said.