



STATE OF DELAWARE  
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**MEMORANDUM**

DATE: March 2, 2010

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

RE: H.B. 281 [DUI Offender Ankle Bracelets]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 281 which requires persons convicted of 3 or more DUI offenses (which have mandatory jail sentences) to wear an electronic alcohol monitoring device for 6 months after release from incarceration. The attached article describes a "SCRAM" device which is a bracelet that detects, via sweat glands, consumption of alcohol. When combined with a modem and GPS unit, authorities could receive data on alcohol use and offender location. The article suggests that offenders would be required to submit to the system as part of probation or parole. Offenders would be expected to pay for the cost of the monitoring at an expected cost of \$10 - \$12 daily.

The bill would appear to be a reasonable deterrent to repeat offenders during the 6 months following release. Therefore, SCPD endorses the proposed legislation subject to correction of an ostensible technical error as follows: The bill is intended to cover persons convicted of a third, fourth, or subsequent offense. See line 4 of the bill. However, the bill only cross references sections of the DUI law applicable to third and fourth offenses, omitting reference to fifth, sixth, seventh, and subsequent offenses. See Title 21 Del.C. §4177(d)(3) through (8). At a minimum, the sponsors should consider amending line 3 by deleting the term "and (4)" and substituting the term "through (8)".

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or recommendation on the proposed legislation.

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

# Bill proposes ankle bracelets for DUI offenders

## Device would monitor parolees with multiple convictions

By J.L. MILLER  
The News Journal

DOVER — Repeat drunken drivers could soon find themselves wearing an ankle bracelet that alerts authorities that they've been drinking.

And if they've been drinking, chances are they'll end up back in prison for violating their probation.

House Bill 281, sponsored by Rep. Helene Keeley, D-Wilmington South, would require people with

three or more drunken-driving convictions to wear one of the bracelets for six months after their release from prison as a condition of probation.

The offenders would have to pay for the monitoring, which is estimated by the bracelet's manufacturer to be \$10 to \$12 a day.

The legislation was released Wednesday by the House Public Safety and Homeland Security Committee for consideration by the full House.

Keeley said her bill is in

response to a spate of arrests last spring and summer of drivers with six DUI convictions on their records.

The device, called the SCRAM, "monitors someone via their sweat glands," Keeley said. "It downloads the data like every 20 minutes to a national center."

According to the manufacturer, the offender must remain near the SCRAM modem at an appointed time each day. The modem downloads the data and alerts authorities if it de-

fects alcohol consumption.

However, Keeley said that Alcohol Monitoring Systems Inc., the manufacturer, has just come out with a bracelet that contains a GPS unit and can tell authorities where the offender is.

"Rep. Keeley, I love this legislation," said Bear Democrat Rep. Melanie George Marshall.

Someone with numerous DUI convictions who drinks and drives is "like a loaded weapon driving around," she said.

Contact J.L. Miller at 678-4271 or [jlmiller@delawareonline.com](mailto:jlmiller@delawareonline.com).

## HOUSE PASSES FOIA RESPONSE BILL

DOVER — Legislation to require state agencies to respond to most Freedom of Information Act requests within 10 business days unanimously passed the House Tuesday.

The bill, which now moves to the Senate for consideration, would strengthen Delaware's open-records law by limiting the time an agency has to provide records or deny the request.

The bill, however, has no penalties for agencies that violate the 10-day limit. It also has no enforcement mechanism.

House Bill 300, sponsored by Rep. Brad Bennett, D-Dover South, gives agencies more than 10 business days to fulfill requests that are voluminous, require legal advice or that request records that have been archived or placed in storage.

Agencies still must respond to those requests within 10 business days but are granted a "reasonable" amount of time to fulfill them.

J.L. Miller