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**Testimony to the Senate Judiciary Committee
In Support of SB45
February 6, 2019**

Chairman Wilborn and Committee members:

Our associations support SB45. There are several things we like about this bill. First it not only addresses the risk of law enforcement officers, but also others that respond to roadway incidents or repair. In addition to law enforcement, this includes employees of “. . . municipal fire department, volunteer and non-volunteer fire protection association, emergency management department, public works department or other similar public or private agency.” It also limits the applicability of the enhancement to when those officials are “. . . actually engaged in official duties of the department or agency.” (See page 7, lines 17-22 of the bill.)

Together, those provisions address the basis of the problem addressed in this bill. Most incidents involving collisions with these workers and their vehicles are not the result of situations out of the control of the operator. Sadly, they are too often the results of a drunk driver, a drugged driver, a driver engaging in other dangerous driving activity. And it is not just law enforcement that frequently pays a high price. As you know it is often people working in a construction zone, removing debris from the roadway, or other activity attempting to make our roadways safe and efficient. Collectively, this all means it is not the position of the worker who is injured or killed that allows the enhancement. Instead it is the conduct of a driver who chooses to drive while impaired or chooses to yield to the indicators that should result in more caution by the driver.

The proposed sentence enhancements are appropriate. We urge you to pass this bill favorably.

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