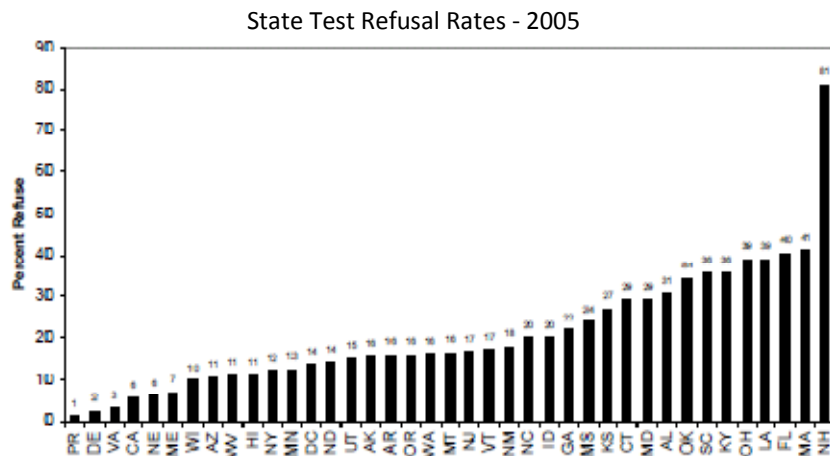




No Refusal Initiative Facts

National Test Refusal Problem

Prosecuting suspected drunk drivers is much more difficult when the offender refuses to submit to a breath test. Breath test refusal is a long-standing and persistent nationwide problem. In 2005, refusal data was available from 38 states.



The average refusal rate among states has held relatively steady with about one in four suspects declining to submit to a test. In 1987 the average across states was 19 percent, increasing to 25 percent in 2001, and dropping to 22 percent in 2005.

Implementation of No Refusal Initiative

A number of states have implemented No Refusal initiatives to inform the public that refusing a breath test is not a way to evade a drunk driving charge. These states make arrangements for police officers to obtain a warrant to take a blood sample of drunk driving suspects.

States that are conducting No Refusal or warrant initiatives include: AZ, FL, ID, IL, KS, LA, MO, TX, and UT.

Many other states have the necessary legal authority to conduct No Refusal initiatives including: AK, AL, CA, CO, GA, IN, MD, MI, MS, NC, ND, NE, NJ, OH, OK, PA, SD, VA, WA, WI, and WV.

No Refusal Initiative Implementation: Texas Example

Responding to a statewide test refusal rate of about 50 percent, several jurisdictions in Texas began conducting No Refusal Weekends in 2005. During a typical No Refusal Weekend in Montgomery County,

12 DWI suspects refused to submit to a breath test and went through the warrant process. Blood tests showed all to be well above the statutory limit. The average blood alcohol concentration among these suspects was .19 - more than twice the legal limit. In Montgomery County, test refusal rates have dropped from 50 percent prior to the program to as low as 10 percent in 2010. Average test results have proven to be substantially higher among those with blood test warrants, at .19 compared to .13 for those who submitted to breath tests. In Montgomery County, conviction rates have increased sharply and dismissals dropped since No Refusal Weekends have been implemented.