



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Joins Father of Leandra Rosado, Others to Call for Passage of Bill Making Driving Drunk WITH a Child in the Car a Felony

CHARLES J. FUSCHILLO JR. November 10, 2009

| ISSUE: **DRUNK DRIVING**

Fuschillo Bill Would Enact “Leandra’s Law,” Protect Young New Yorkers

State Senator Charles J. Fuschillo, Jr. today joined Lenny Rosado, the father of Leandra Rosado, and representatives from Mothers Against Drunk Driving (MADD) to call on the leaders of the State Senate and Assembly to enact legislation to create felony charges for individuals who drive drunk with a child in the car.

Anti-DWI legislation was expected to be taken up at today’s special session in Albany, but the final bill was in danger of being watered down by the Assembly and others.

“There have been far too many examples, particularly in recent months, where children are put in danger by the very adult that is responsible for their safety. These children become defenseless hostages, because most are too young to take away the keys or call a cab. We need stronger penalties for these reckless and irresponsible individuals, and while I applaud the Governor for putting anti-drunk driving legislation on today’s agenda it’s important that we pass the most effective bill possible to make this horrific crime a felony,” said Senator Fuschillo (R-Merrick).

11-year-old Leandra Rosado was killed in October after a car driven by the mother of one of her friends overturned on the Henry Hudson Parkway. The driver was later charged with vehicular manslaughter and drunken driving, spurring calls for stronger DWI legislation known as “Leandra’s Law.”

Leandra’s father has created a website to push for enactment of “Leandra’s Law” at leandraslaw.info.

The website obtained more than 3,000 signatures on the first day it was activated.

Under legislation (S6125/A9111) sponsored by Senator Fuschillo and Assemblyman Harvey Weisenberg (D-Long Beach):

- * Individuals who drive drunk with a child under the age of 16 in the car would be charged with a class E felony and face up to four years in prison and/or a fine of up to \$5,000;

- * The state’s aggravated vehicular homicide law would be expanded to include drunk drivers who kill a child under the age of 16. In addition, the legislation would raise the penalty for aggravated vehicular homicide to a class B violent felony punishable by up to 25 years in prison;

- * The state’s aggravated vehicular assault law would be expanded to include drunk drivers who seriously injure a child under the age of 16. In addition, the legislation would raise the penalty for aggravated vehicular assault to a class C violent felony punishable by up to 15 years in prison.

Adults driving drunk with a child in the car remains a problem throughout New York State. There have been numerous examples over the years where parents were arrested for drunk driving with children in the car. This past summer on the Taconic Parkway, Diane Schuler crashed and killed 7 other people, including 4 children riding in her car, while allegedly driving drunk.

Senator Fuschillo's legislation has broad, bipartisan support, with 34 other Senators serving as cosponsors. Senator Fuschillo is the author of several anti-DWI laws, including New York State's ".08" law and the law creating the crimes of aggravated vehicular homicide and aggravated vehicular assault for drunk drivers who kill or seriously injure others. Senator Fuschillo is also sponsoring legislation (S27B), which has been passed by the Senate, to require all convicted DWI offenders to install and use an ignition interlock at their own expense.

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