



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Announces Agreement Between Senate, Assembly, and Governor to Pass Leandra's Law

CHARLES J. FUSCHILLO JR. November 17, 2009

| ISSUE: **DRUNK DRIVING**

Law Would Create Felony Charges For Driving Drunk With a Child in the Car, Require All Convicted DWI Offenders to Use Ignition Interlocks

State Senator Charles J. Fuschillo, Jr. today announced that the Senate, Assembly, and Governor Paterson have reached a three-way agreement to enact "Leandra's Law," which would create felony charges for those who drive drunk with a child in the car.

Senator Fuschillo (R-Merrick) and Senator Martin Dilan (D-Brooklyn) are sponsoring the legislation in the State Senate. Assemblyman Harvey Weisenberg (D-Long Beach) is the Assembly sponsor. The legislation is named after 11 year old Leandra Rosado, who was killed while riding in a car that crashed along the Henry Hudson Parkway last month. The driver of the car, who was the mother of one of Leandra's friends, was arrested for DWI.

"Drunk drivers who hold children's lives hostage need to face felony charges, and that's exactly what this bill does. In addition, it will help prevent future drunk driving crashes by requiring all convicted drunk drivers to use ignition interlocks. I am pleased that we were able to work together to create one of the toughest drunk driving laws in the country," said Senator Fuschillo.

Under the legislation, those convicted of driving drunk (.08 BAC or higher) with a child in the car would be guilty of a class E felony and face up to 4 years in prison.

Additional penalties would be created for cases where children are killed or seriously injured while riding in a car with a drunk driver. Drunk drivers who cause the death of a child riding in their car would face up to 25 years in prison. Those who seriously injure their child passenger in a DWI crash would face up to 15 years in prison.

In addition, any driver convicted of a DWI offense, including first time offenders, would not be permitted to operate a vehicle without having an ignition interlock installed. An ignition interlock is a breath test device linked to a vehicle's ignition system. Offenders must blow into the interlock before starting their vehicle. The interlock will prevent the car from starting if it detects alcohol in the driver's breath. According to MADD, interlocks have been proven to reduce repeat drunk driving offenses by an average of 64 percent.

These penalties would be in addition to any other penalties imposed by the courts.

Senator Fuschillo also praised the efforts of Leandra's father, Lenny Rosado, who helped spearhead efforts to get the legislation passed.

“Mr. Rosado worked tirelessly in fighting for this law. I am pleased that we were able to honor his daughter’s memory in this way,” Senator Fuschillo added.

The legislation is expected to be passed by both the Senate and Assembly and signed into law by Governor Paterson.

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