



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Fuschillo Bill Requiring Judicial Approval of Conditional Licenses for Drunk Driving Defendants Passed by Senate

CHARLES J. FUSCHILLO JR. May 3, 2011

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the Senate has approved legislation he sponsored to stop those arrested for drunk driving from being approved for a conditional license to go back on the roads without a judge's approval.

"Driving is not a right, it is a privilege. Someone who abuses that privilege by driving drunk should not be allowed to go back on the road without a judge's review and consent. I'm pleased that the Senate has approved this added level of protection to keep people safe from drunk drivers," said Senator Fuschillo.

Under current law, those arrested for DWI can apply for a conditional license from the Department of Motor Vehicles (DMV) after an initial 30 day license suspension. Conditional licenses permit driving in certain instances, including: driving to and from work, school, doctors offices, child care, the DMV, the probation department, and DWI programs. Licensees are also allowed to drive as part of their job (if need be) and also for three hours a week to run errands and handle personal business. Those arraigned for drunk driving are virtually approved automatically for a conditional license by the DMV, as long as they have not been enrolled in a DWI program in the prior five years.

Additionally, these individuals can forgo the 30 day license suspension entirely by applying for a hardship license. These licenses, which must be approved by a judge, allow individuals to drive to work, school, and doctors offices.

Senator Fuschillo's legislation (S526A) would give judges greater authority to keep a dangerous drunk driving defendant off the road. DMV would be prohibited from issuing a conditional license to a drunk driving defendant without receiving approval from the judge handling that defendant's case.

"Obtaining a conditional license for accused drunk drivers has been a rubber-stamp process for far too long," said Nassau County District Attorney Kathleen Rice, who supports the legislation. "This legislation goes a long way to bringing accountability and individual scrutiny to that process."

In one of the more telling examples of why the law needs to be changed, Jose Borbon was given a conditional license after being arrested in January 2009 for drunk driving, criminal possession of a weapon, holding more than one license, and failure to obey a traffic device. On February 22, 2009, while out on bail and driving with a conditional license, he drove drunk again, this time killing Suffolk County Police Officer Glen Ciano.

The legislation has been sent to the Assembly for consideration.

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