



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Fuschillo Bill Requiring Mandatory Jail Time for Repeat Dwi Offenders Approved by Transportation Committee

CHARLES J. FUSCHILLO JR. June 7, 2011

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the Senate's Transportation Committee has approved legislation he sponsors requiring mandatory jail time for repeat DWI offenders.

"Drunk drivers endanger innocent lives every time they get behind the wheel. Someone who chooses to repeatedly break the law and put innocent lives at risk should not be able to escape jail time. It's time to send a strong but simple message; if you repeatedly drink and drive in New York State, then you are going to jail," said Senator Fuschillo, Chairman of the Transportation Committee.

Repeat DWI offenders are not required to spend any time in prison under current law. Currently, individuals arrested for a repeat DWI offense face class E or D felony charges punishable by up to four or seven years in jail and/or a fine between \$1,000-\$5,000 or \$2,000-\$10,000. However, judges have the discretion to sentence repeat DWI offenders to only a fine or a fine and community service under the law.

Senator Fuschillo's legislation (S2597) would change the law to require these drunk drivers serve time in jail. Under the proposed law:

- * Drunk drivers convicted of two DWI crimes within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 30 days.

- * Drunk drivers with three or more DWI convictions within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 90 day jail sentence.

- * Drunk drivers convicted of two aggravated DWI crimes (.18 BAC or higher) within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 180 days.

- * Drunk drivers convicted of three or more aggravated DWI crimes (.18 BAC or higher) within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 1 year jail sentence.

"It's ridiculous that repeat DWI offenders are being allowed to walk away with only a fine or a fine and community service. Getting these drunk drivers behind bars and off the roads is the only appropriate form of community service," Senator Fuschillo added.

Nassau County District Attorney Kathleen Rice, who worked with Senator Fuschillo in drafting the legislation, said "Drunk drivers are too dangerous to let repeat offenders go home without jail time. Repeat offenders have shown that fines and probation did not work the first time around, and there is too much at stake to give them a second chance. This legislation will keep dangerous people off our streets and in jail

cells where they belong and I urge every Albany lawmaker to join Senator Fuschillo in approving it."

According to research conducted by the Institute for Traffic Safety Management and Research (ITSMR), which is part of SUNY Albany's Rockefeller College of Public Affairs and Policy, approximately 21 percent of convicted drunk drivers in New York State will be convicted again. In addition, ITSMR estimates that there are 481 incidents of DWI for every one arrest in New York State.

The legislation has completed the committee process in the Senate and will soon be eligible to be voted on by the full Senate.

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