



NEW YORK STATE SENATOR

Kenneth P. LaValle

Senate Increases Penalties for DWI Recidivists

KENNETH P. LAVALLE June 17, 2011

| ISSUE: **CRIME, DRUNK DRIVING**

New York State Senator Kenneth P. LaValle said today that the Senate passed a measure on June 16 that imposes mandatory jail time for individuals who choose to drive again under the influence of drugs or alcohol after having been previously convicted of such a crime. The bill (S.2597) is intended to increase the penalties for multiple DWI offenders.

“It is critical to the safety of motorists that we do our best to ensure that those who endanger the lives of others are kept off the road,” said Senator LaValle. “This measure will protect the public from drunk drivers by giving law enforcement additional tools to effectively prosecute recidivist drunk drivers.”

Under the measure:

Drunk drivers with three or more DWI convictions within 10 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 or DWI with a child in the car) within 10 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 or DWI with a child in the car) within 10 years would be guilty of a class D felony, face up to 7 years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum one year jail sentence.

Currently, incarceration for repeat DWI offenders is an option for a judge, but there is no legal requirement that offenders have to spend any time in jail. Drunk drivers convicted of two or more DWI offenses within ten years are guilty of a felony and face a fine and the possibility of jail time. Those who commit the offenses within a five year period can face either additional jail time or community service. However, jail time is not mandatory and judges can allow the offenders to bypass incarceration and face only a fine or a combination of a fine and community service.

Research has shown that nearly 22% of convicted drunk drivers in New York will be convicted again. Furthermore, research has shown that statewide there are 481 incidents of DWI for every arrest.

The bill has been sent to the Assembly.