



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senate Transportation Committee Approves Anti-Dwi Legislation

CHARLES J. FUSCHILLO JR. January 18, 2012

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| COMMITTEE: **TRANSPORTATION**

Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate's Transportation Committee, today announced that the committee has approved several measures to help strengthen the state's DWI laws.

Senator Fuschillo, who sponsored the anti-DWI measures, said "Drunk drivers endanger innocent lives every time they choose to get behind the wheel. Giving law enforcement greater tools to catch and prosecute drunk drivers will help make our roads safer for everyone."

The anti-DWI legislation approved by the committee would:

\* Require mandatory jail sentences for repeat DWI offenders (\$2597).

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, they are not required to spend any time in prison under current law; judges have the discretion to sentence these repeat offenders to only a fine or a fine and community service.

The new sentences under the legislation would be as follows:

- 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.
- \* Create class E felony charges for those caught driving under the influence with a conditional license. The legislation would close a loophole in current law which allows these individuals to face only a traffic infraction instead of the felony charges they would face if they were caught driving with a suspended or revoked license (S4177).
- \* Allow law enforcement to seek court orders to compel compliance when suspected drunk drivers refuse to submit to chemical intoxication tests. This would help prevent drunk drivers from escaping prosecution for DWI crimes. Chemical tests, such as blood, breath, and urine tests, are used to determine a suspected drunk driver's level of intoxication and are a crucial piece of evidence used in a trial to prosecute drunk drivers for their crimes. However, current law allows many drunk drivers to refuse the test and face a temporary license

suspension and a fine instead of being convicted of a DWI offense (S3768B).

In addition, the Committee also approved legislation which would:

\* Create misdemeanor charges for individuals who leave a child under the age of 8 years old unattended in a car in conditions that pose a serious risk to the child's health and safety (S2192A, Sen. Saland).

\* Create mandatory license suspensions for young drivers with junior's licenses who are caught driving outside the restrictions of their license. This would create a greater incentive for young drivers to follow the terms and conditions of the junior's license (S3225, Sen. Ranzenhoffer).

\* Allow police officers to have routine access to DMV driver license photo images when performing their duties. Currently, police officers have digital access to an individual's driving record, as well as the physical description listed on that person's driver's license (sex, height, eye color, and birth date) when they are in the field performing their duties. However, they do not have routine access to that individual's driver license photo, eliminating a major resource which can help them verify someone's identity (S4070, Sen. Fuschillo).