



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Transportation Committee Approves Legislation to Ensure Repeat Alcohol Offenders Face Appropriate Penalties

Charles J. Fuschillo Jr.

February 6, 2012

ISSUE:

- [Transportation](#)

COMMITTEE:

- [Transportation](#)

Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate's Transportation Committee, announced that the committee has approved legislation to ensure that individuals with prior convictions of operating a motor vehicle while intoxicated are treated as repeat offenders, regardless of the vehicle type.

"Drunk drivers, no matter what type of vehicle they operate, pose a danger to other people's safety. Their prior convictions should be taken into account if they are

convicted of another alcohol offense, but that doesn't always happen under current law. Strengthening the law would ensure that individuals with a history of operating a motor vehicle while intoxicated are treated as repeat offenders if they commit another alcohol offense," said Senator Fuschillo.

Under current law, driving while intoxicated (DWI), boating while intoxicated (BWI), and snowmobiling while intoxicated (SWI) offenses are unlinked when determining whether an individual is a repeat offender. This allows certain offenders with a history of alcohol-related motor vehicle offenses to escape prosecution as repeat offenders.

As an example, someone convicted of DWI offense with prior BWI or SWI convictions is still treated as a first-time offender under current law, even though they have a history of alcohol-related motor vehicle crimes. As a result, they are exempt from the higher penalties given to repeat offenders.

The legislation approved by the committee (S2860A, Senator DeFrancisco) would link DWI, BWI, and SWI offenses together when determining whether an individual is a repeat offender. This will help ensure that offenders with prior alcohol convictions face the appropriate penalties.

In addition, the Committee also approved legislation which would:

- * Require parents of children holding learner's permits or junior licenses be notified about their right to withdraw their consent allowing that child to drive when that child is convicted of violating the vehicle and traffic law (S1419, Senator Saland).

- * Double the fines for all non-speeding traffic infractions if they are committed within a "school safety zone." Speeding infraction penalties are already enhanced under current law (S4892, Senator Lanza).