



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senate Transportation Committee Approves Legislation to Strengthen Leandra's Law

CHARLES J. FUSCHILLO JR. March 13, 2012

| ISSUE: **TRANSPORTATION, DRUNK DRIVING**

| COMMITTEE: **TRANSPORTATION**

Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate's Transportation Committee, today announced that the Committee has approved legislation to strengthen Leandra's Law. The legislation would make it harder for offenders to avoid using ignition interlocks as required by Leandra's Law.

"We included ignition interlocks in Leandra's Law because they are an invaluable tool in keeping drunk drivers from even getting behind the wheel. The only reason for offenders to avoid using interlocks is to drive drunk again. Far too many are trying to do that right now, and that has to change. Strengthening Leandra's Law so that offenders could not avoid the interlock or alcohol monitoring would help save lives, prevent tragedies, and keep drunk drivers off the road," said Senator Fuschillo, who sponsored the legislation and was a sponsor of Leandra's Law.

Leandra's Law was passed in 2009 following the tragic death of 11 year old Leandra Rosado, who was killed while riding in a car driven by her friend's intoxicated mother. As part of Leandra's Law, all convicted DWI offenders must install and use an ignition interlock in all

vehicles they own or operate for a period of at least six months after their DWI conviction. Ignition interlocks are breath test devices linked to a vehicle's ignition system which prevent the car from starting if alcohol is detected in the driver's breath.

However, many drunk drivers try to avoid the ignition interlock requirement by claiming they do not own or operate a vehicle, waiting for the interlock period to run out, and then reapplying for a license without ever having to use the interlock. Some of these drivers temporarily transfer ownership of the car to a relative or friend, who then allows that person to drive it without an interlock.

The legislation approved by the Committee (S6636), which is sponsored by Senator Fuschillo, would help strengthen Leandra's Law by:

- Requiring offenders to install ignition interlocks on any car they own or operate or the car they used to commit the DWI offense. Offenders would not only be required to install and maintain an interlock, they would also be prohibited from driving without one;
- Requiring offenders who demonstrate good cause for not installing any interlock to instead wear a transdermal alcohol monitoring device, such as an ankle bracelet, which would detect whether the offender has been consuming alcohol in violation of their sentencing conditions. As with the interlock, the costs of installing and maintaining the device would be borne by the offender;
- Preventing offenders from getting a license without fulfilling either the interlock or transdermal alcohol monitoring device requirement. This would ensure that offenders cannot avoid alcohol monitoring, eliminating a major incentive to try and evade the interlock requirement;

- Requiring DMV to receive specific authorization to remove the interlock restriction; it would not automatically be removed after 6 months;

- Making it clear that failing an interlock is a violation of the offender's sentencing conditions;

- Creating felony charges for convicted DWI offenders who drive drunk again while holding a conditional license.

"Leandra's Law was put in place to save lives, especially children's lives," said Lenny Rosado, Leandra's father and a MADD volunteer. "We can't save lives if we allow offenders to get around the interlock. These changes are essential to the law's effectiveness."

"This is a critical step towards improving a law that was created to prevent convicted drunk drivers from being able to endanger innocent motorists and pedestrians again," said Nassau County District Attorney Kathleen Rice. "Strengthening Leandra's Law to ensure that more drunk drivers install ignition interlocks will make our roads safer. I want to thank Senator Fuschillo for his continued leadership on drunk driving issues, and the members of the Transportation Committee for their commitment to a safer New York State."