



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo, Assemblyman Weisenberg, D.a. Rice, and Advocates Call on Lawmakers and Residents to Help Prevent Drunk Driving

CHARLES J. FUSCHILLO JR. December 30, 2012



Call on State Legislature to Enact Stronger Leandra's Law as Soon as Possible & Remind Residents to Designate a Driver this New Year's Eve

Photo caption: Senator Fuschillo shows a transdermal alcohol monitoring device, which convicted drunk drivers would be required to wear under legislation he sponsors if they do not install an ignition interlock in their car as required by Leandra's Law. The devices will help close an unintended loophole in Leandra's Law which is allowing convicted drunk drivers to avoid the interlock and alcohol monitoring. He is joined by Margaret Rebholz and Sarah Haiken of MADD, Assemblyman Weisenberg, District

Attorney Rice, and Marge Lee of DEDICATEDD.

With New Year's Eve, one of the biggest drinking nights of the year, taking place tomorrow, Senator Charles J. Fuschillo, Jr. (R-Merrick), Assemblyman Harvey Weisenberg (D-Long Beach), and Nassau County District Attorney Kathleen Rice are calling for swift passage of a new law to close a legal loophole which is allowing convicted drunk drivers to escape the mandatory ignition interlock requirement under Leandra's Law

Family members of DWI victims and representatives from the anti-DWI advocacy groups MADD and DEDICATEDD joined Senator Fuschillo, Assemblyman Weisenberg, and District Attorney Rice in calling for the new law and urging individuals to celebrate the holidays safely and responsibly.

"Drunk drivers endanger other people's lives and safety every time they go on the road. That is why it is so important that people remember to be safe by designating a driver on New Year's Eve and every other time they plan on drinking. It is also why we need to strengthen Leandra's Law and close the loophole convicted drunk drivers are using to escape alcohol monitoring technology which prevents them from driving drunk again. The state legislature must make this legislation a priority in the upcoming session and pass it as soon as possible to save lives and prevent tragedies," said Senator Fuschillo, Chairman of Senate's Transportation Committee and a sponsor of Leandra's Law.

"It's critically important to designate a sober driver if you plan on drinking, because drunk driving is a danger to us all. We fought to have ignition interlocks included in Leandra's Law to help prevent convicted drunk drivers from continuing to drive drunk. Since the law was passed, convicted DWI offenders have found ways to avoid their legal obligation to use an ignition interlock. That puts innocent lives at risk. It is critically important to protect people on our roads, and I am going to do everything in my power to get this loophole closed," said

Assemblyman Weisenberg, who was the Assembly sponsor of Leandra's Law.

"Before your first drink on New Year's Eve, make a plan to get home safely with a designated driver, a cab, or public transportation. We're tough on DWI in Nassau County because we've seen the horrific consequences time and again, and I am proud to join Senator Fuschillo and Assemblyman Weisenberg in their call to pass this live-saving legislation that will close a loophole in Leandra's Law and ensure that every convicted drunk driver installs an ignition interlock device before they take the wheel," said District Attorney Rice.

"It's very important that with holidays such as New Year's Eve that we close the loophole in Leandra's Law. We all came together and agreed that a tough law was needed to protect the innocent as in Leandra's Law, however there are still many out there who refuse to abide by the laws that the State of New York passes. To all the elected officials in the State of New York: by acting in unity and fixing this loophole, you will send a very, very strong message that drinking and driving will not be tolerated in New York State," said Lenny Rosado.

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. According to the most recent statistics from the New York

State Department of Criminal Justice Services, more than 70 percent of the over 37,000 DWI offenders statewide required to install an ignition interlock in their vehicles have failed to do so.

Senator Fuschillo and Assemblyman Weisenberg are sponsoring legislation, which is supported by D.A. Rice, to close this loophole and strengthen Leandra's Law by:

- Clarifying that offenders must 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.

The legislation was passed by the State Senate earlier this year but the Assembly did not act on it.

“Don’t become a statistic,” said Patrick Wilkens, Chairman of MADD Long Island/NYC. “We will be working hard with our elected officials led by Senator Fuschillo, Assemblyman Weisenberg, and D.A. Rice in 2013 to see that our interlock laws are solid. Every DWI offender must have an interlock. So if you don’t want one, get a designated driver, give the keys to a friend or call a cab. Drinking and driving kills and ruins the lives of all involved. It just isn’t worth it.”

“Convicted DWI offenders should have an ignition interlock device in their car. It's a no-brainer. The loophole in Leandra's law which allows convicted offenders to opt out of this installation must be closed. It is no secret that the majority of those who opt out continue to drive without an interlock in the car putting every New Yorker at risk. Pass the legislation, close the loophole, save a life! DEDICATEDD wishes to thank Senator Fuschillo, Assemblyman Weisenberg and District Attorney Rice for their tireless efforts to keep all New Yorkers safe on our roadways,” said Marge Lee, President and Co-Founder of DEDICATEDD.