



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo's Legislation to Raise Penalties for Dui WITH a Conditional License Passed by Senate

CHARLES J. FUSCHILLO JR. March 4, 2013

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Legislation Would Make DUI with a Conditional License a Felony Crime & Create Parity with Existing Penalties for DUI with a Suspended or Revoked License

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the New York State Senate passed legislation he sponsors to raise the penalty for driving under the influence (DUI) with a conditional license. The legislation would increase the penalty for DUI with a Conditional License from a traffic infraction to a class E felony and create parity with the existing penalties for DUI with a suspended or revoked license.

"Someone who drives under the influence, receives limited driving privileges through a conditional license, and then commits another DUI offense while holding a conditional license clearly has not learned their lesson. It is absurd that the penalty for DUI with a conditional license is only a traffic infraction under current law. Making DUI with a conditional license a felony crime would create parity with the existing penalties for DUI with a suspended or revoked license and ensure that those who repeatedly endanger the lives of others face appropriate penalties. The Assembly should join the Senate in approving this legislation," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

Conditional licenses permit driving in certain instances, including: driving to and from work, school, doctors' offices, child care, the Department of Motor Vehicles (DMV), the probation department, and DUI programs. Licensees are also allowed to drive as part of their job (if need be) and also for three hours a week to run errands and handle personal business. Someone who is arrested for, or convicted of, a DUI offense can currently apply for a conditional license from DMV provided they were not enrolled in a DMV sanctioned alcohol or drug program within the last five years.

However, the penalty for DUI with a conditional license is inconsistent with the ones offenders face for DUI with a suspended or revoked license. DUI with a conditional license is only a traffic infraction, while DUI with a suspended or revoked license is a class E felony.

Senator Fuschillo's legislation (S751) would raise the penalty for DUI with a conditional license to a class E felony punishable by a prison sentence of up to four years. This would create consistency with the existing penalties for DUI with a suspended or revoked license.

"This legislation would close a serious loophole and properly hold accountable DWI defendants who continue to drive drunk, even after they've been caught previously," said Nassau County District Attorney Kathleen Rice. "Any driver who would continue to drive drunk with only a conditional license is a danger to everyone on the road and that willingness to put innocent people at risk demands a stronger penalty. I applaud Senator Fuschillo and the members of the Senate for their continued leadership on this issue, and I encourage the Assembly to approve this legislation."

The legislation has been sent to the Assembly for consideration.