NEW YORK STATE SENATOR

Jack M. Martins

Senator Martins Supports Strengthening of Leandra's Law

Jack M. Martins

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Bill would increase the use of ignition interlocks

The New York State Senate passed legislation, sponsored by Senator Charles J. Fuschillo, Jr. and supported by Senator Jack M. Martins, to strengthen Leandra's Law. The bill (S.1941) would ensure that offenders comply with the provision of the law requiring them to use ignition interlocks.

"Leandra's Law includes an ignition interlock requirement to help prevent convicted DWI offenders from driving drunk again," said Senator Fuschillo. "Unfortunately, many offenders are evading this requirement by transferring ownership of their

vehicle and then claiming not to own a vehicle. Closing this unintended legal loophole is imperative to stop convicted drunk drivers from avoiding alcohol monitoring technology which prevents them from driving drunk again. The Assembly should join the Senate in passing this legislation to help save lives and prevent tragedies."

"The bill strengthens a law that was enacted to help ensure that drunk drivers do not get behind the wheel intoxicated again. It makes our roads safer and enhances the protection of motorists who obey the laws and are responsible enough to not get behind a wheel while intoxicated," Senator Martins said.

Leandra's Law was enacted 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.

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.

This bill closes loopholes and strengthens the law by requiring that offenders must install ignition interlocks on any car they own or the car they used to commit the DWI offense. Offenders would be required to install and maintain and interlock and could not drive without one. Additionally, offenders who do not own a car, or show cause for not installing an interlock would be required to instead wear an alcohol monitoring device, such as an ankle bracelet, which would detect whether or not the offender has been drinking alcohol. Offenders would also be prohibited from getting a driver's license if they do not fulfill either the interlock of the alcohol monitoring device.

The Senate also passed a bill sponsored by Senator Fuschillo (S.742) to require each drunk driving offender's case be reviewed individually before being issued a conditional driver's license.

"Currently, individuals arrested for DWI are being given conditional licenses virtually automatically and allowed to go back on the road without any judicial review or input," said Senator Fuschillo. "That revolving door approach must stop; holding a driver's license is a privilege, not a right. Requiring judicial approval before granting a conditional license would add needed oversight, end the rubber stamp approval process, and make our roads safer for everyone."

In February 2009, a police officer in Suffolk County was killed after being hit by a vehicle driven by a man who, earlier in the year was charged with a DWI. The offender's driving privileges were reinstated just 30 days following those charges, allowing him back on the roads, which resulted in the police officer's death.

This legislation requires each offender's case be reviewed individually to ensure that those who are a threat to others do not receive temporary licenses.

The bills will be sent to the Assembly.