



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo's Legislation Requiring Mandatory Jail Sentences for Repeat Dwi Offenders Passed by Senate

CHARLES J. FUSCHILLO JR. May 22, 2013

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that legislation he sponsored to require mandatory jail sentences for repeat DWI offenders has been passed by the New York State Senate.

"Every year, thousands of convicted DWI offenders are arrested for driving drunk again, and they are not required to spend one day in jail under current law. That sends the wrong message. Mandatory jail sentences would give law enforcement greater tools to take drunk drivers off the roadways and create a stronger deterrent to keep DWI offenders from driving drunk again. New York State needs to send a strong message; If you repeatedly get behind the wheel drunk, then you will end up behind bars," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

"Repeat drunk drivers clearly have not gotten the message that DWI is a serious crime that costs the lives of thousands of innocent people each year. Repeat drunk drivers need more than a slap on the wrist, and a mandatory jail term is a fitting punishment for those who repeatedly endanger our families and friends by taking the wheel drunk. I thank Senator Fuschillo untiring commitment to public safety and I applaud the Senate for passing this important legislation," said Nassau County District Attorney Kathleen Rice.

Current law does not require repeat DWI offenders to spend any time in jail. Right now, repeat DWI offenders face class E or D felony charges punishable by up to four or seven years in jail and/or a fine between \$1,000-\$5,000 or \$2,000-\$10,000. However, judges have the discretion to sentence these offenders to only a fine or a fine and community service under the law.

Senator Fuschillo's legislation (S750) would require drunk drivers with multiple DWI convictions to serve a jail sentence. Under the proposed law:

- Drunk drivers convicted of two DWI crimes within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 30 days.
- Drunk drivers with three or more DWI convictions within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 90 day jail sentence.
- Drunk drivers convicted of two aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 180 days.
- Drunk drivers convicted of three or more aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 1 year jail sentence.

These sentences would be in addition to any other applicable penalties.

According to a June 2011 study conducted by the Institute for Traffic Safety Management and Research (ITSMR), which is part of SUNY Albany's Rockefeller College of Public Affairs and Policy, 50,434 drivers were convicted of a DWI offense in New York State in 2009; 10,897 (21 percent) were repeat offenders. However, only 10 percent of repeat drunk drivers were sentenced to jail time.

Between 2003 and 2012, there have been over 493,000 arrests for DWI in New York State, according to the New York State Division of Criminal Justice Services.

"MADD thanks Senator Fuschillo for his continued leadership to reform New York's DWI law," said MADD National President Jan Withers. "The legislation demonstrates that New York takes drunk driving seriously and will hold offenders accountable for their careless actions."