



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo: Stronger Leandra's Law Passed by Senate

CHARLES J. FUSCHILLO JR. June 21, 2013

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced today that the New York State Senate gave final legislative passage to legislation he sponsored to strengthen Leandra's Law.

The legislation would ensure that more convicted drunk drivers use ignition interlocks as required by law. It would also make it more difficult for drivers to claim they will not operate a car and enhance penalties for individuals who try to escape the law through fraud.

"Ignition interlocks help prevent convicted DWI offenders from driving drunk again, which is why New York State made their use mandatory as part of Leandra's Law. However, the law must be strengthened because far too many offenders have found ways to avoid using them. Creating new incentives for offenders to use interlocks and increasing penalties for those who try to get around the law through fraud will help make our roads safer for everyone," said Senator Fuschillo, Chairman of the Senate's Transportation Committee and a sponsor of Leandra's Law.

"Leandra's Law went a long way to keeping convicted drunk drivers off the roads, yet many offenders still found ways to evade life-saving ignition interlocks," said Nassau County District Attorney Kathleen Rice, who worked with Senator Fuschillo in drafting the legislation. "This legislation strengthens Leandra's Law by closing the loopholes that allowed

dangerous drivers back on the road and increasing penalties for offenders who violate the law. I am proud to have partnered with Senator Fuschillo to draft this essential legislation, and I applaud the Senate for today's vote."

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 45,000 DWI offenders statewide required to install an ignition interlock in their vehicles have failed to do so.

Leandra's father, Lenny, is strongly supportive of the legislation and has worked closely with Senator Fuschillo to get it passed. Mr. Rosado said "Actions speak louder than words, and through its actions, the Senate is once again sending the strong, powerful message that New York State will not tolerate drunk driving. I am grateful to Senator Fuschillo, the New York State Senate, and everyone who has worked together to pass this legislation and protect innocent people from drunk drivers."

The legislation (S5859) would raise the minimum amount of time drivers who do not install an ignition interlock must wait to have their driver's licenses restored from six months to one year. If an offender installs an interlock, a judge would have the authority to remove the interlock restriction after 6 months if the offender demonstrates that they have installed and maintained the interlock during that time period. Making offenders eligible to have their licenses restored sooner for installing the interlock would create a greater incentive for them to use the devices.

Additionally, offenders attempting to avoid the interlock requirement by claiming not to own a motor vehicle would have to assert to the court, under oath, that they are not a vehicle owner and will not drive during the period of interlock restriction. Offenders who lie under oath that they would not operate a vehicle and do not own a car would be potentially subject to additional charges.

The legislation corrects an inequity in current law which allows individuals who drive drunk with a conditional license to face significantly lesser penalties than those who drive drunk with a suspended or revoked license. Conditional licenses allow eligible DWI offenders to drive in certain circumstances, such as going to work, doctors appointments, or to DWI programs. However, the penalty for DWI with a conditional license is only a traffic infraction, while DWI with a suspended or revoked license is a class E felony.

The legislation would raise the penalty for DWI 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 DWI with a suspended or revoked license.