



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo, Assemblyman Weisenberg & Advocates Urge Governor Cuomo to Sign Legislation to Strengthen Leandra's Law

CHARLES J. FUSCHILLO JR. July 2, 2013

| ISSUE: **DRUNK DRIVING**



Senator Charles J. Fuschillo, Jr. (R-Merrick) and Assemblyman Harvey Weisenberg (D-Long Beach) today urged Governor Andrew Cuomo to sign legislation they sponsored to strengthen Leandra's Law. Senator Fuschillo and Assemblyman Weisenberg were joined by Nassau County Executive Ed Mangano and members of the anti-DWI advocacy organizations MADD and DEDICATEDD in supporting the legislation and urging residents to be safe and designate a driver this July 4th.

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.

"Drunk drivers jeopardize the lives and safety of innocent people every time they get behind the wheel. Leandra's Law requires convicted DWI offenders to use ignition interlocks because they help prevent these offenders from driving drunk again. However, the law must be strengthened because far too many offenders have found ways to avoid using them. Implementing new incentives for offenders to use interlocks and strengthening penalties for drunk drivers who commit fraud to avoid the law will help make our roads safer for everyone. That is why Governor Cuomo should sign this legislation into law when it reaches his desk," said Senator Fuschillo.

"New York has some of the toughest DWI laws in the nation, but we must make sure that all parts of the law are properly implemented," said Assemblyman Weisenberg. "I am deeply appreciative of the efforts of our local and national chapters of MADD and the Nassau County District Attorney and her staff for helping us to keep dangerous drivers off the road and, in doing so, potentially saving thousands of lives."

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 and Assemblyman Weisenberg to get it passed. Mr. Rosado said "Drunk driving ruins lives; it cannot be tolerated in New York State. Strengthening Leandra's Law would reinforce that message and help protect innocent people from being harmed by a drunk driver. I thank Senator Fuschillo, Assemblyman Weisenberg, and all the members of the Senate and Assembly for working together to pass this legislation and hope Governor Cuomo will sign it into law."

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.