



The NYS “Card Hard Campaign”

New York State’s Efforts to Curb the Use of Fake IDs

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Introduction

The problem with underage drinking is not a new one in the State of New York, though its persistence is not for a lack of trying. Organizations such as Mothers Against Drunk Driving, local and municipal governments, and elected officials from all branches of our Government have made conscious efforts to address not only underage access to alcohol, but youths' desire to drink at younger and younger ages. According to the National Institute on Alcohol Abuse and Alcoholism over 5,000 young people under the age of 21 die each year from alcohol-related car crashes, homicides, suicides, alcohol poisoning, and other injuries such as falls, burns, and drowning and more than 190,000 people under age 21 visited an emergency room for alcohol-related injuries in 2008 alone. One of the major contributing factors to these deaths is the easy access that youths have to alcohol particularly when in possession of fake IDs. Luckily, the proliferation of fake IDs has been met with an increasing desire on the part of retailers to incorporate technology and increase scrutiny in their establishments to not only prevent them from selling alcohol to minors using these fake IDs but to protect the youth who will inevitably cause harm to themselves or their community by drinking at such a young age. By combining this willingness among retailers and private companies to combat the rise in the use of fake IDs with government efforts in trying to find ways to deter "bad actors" from selling fake IDs or alcohol to youths and rewarding those businesses in the State of New York who do work with the community to combat underage drinking, Senator Klein, Assemblyman Crespo, and retail associations across the State have worked together to unveil the:

NYS CARD HARD CAMPAIGN



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SECTION 1: Memorial Day and Underage Drinking



Memorial Day

Holidays, such as Memorial Day, are a time for celebration. Families come together, old friends reunite, and New York and the rest of the nation gather to celebrate the beginning of the summer.

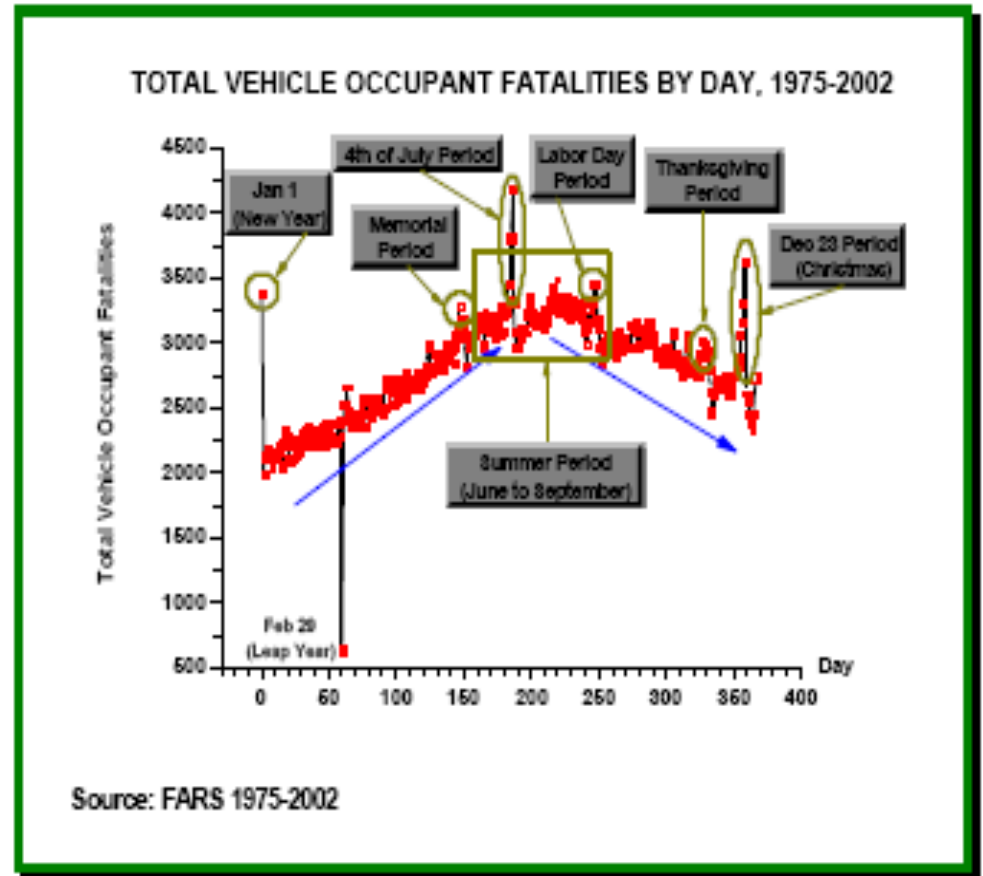
Unfortunately, Memorial Day also marks a dangerous time for our youth who are celebrating the first holiday of the summer after the close of their studies. To their detriment, many will attempt to celebrate by abusing alcohol. This exposes our young people to a wide range of risks, some of which may lead to tragedy.

Memorial Day marks the beginning of the "100 Deadliest Days" for teen drivers. Each year, the Department of Transportation and organizations such as MADD and AAA send out word of the dangers of drinking and driving. To join these efforts, we are announcing the NYS Card Hard Campaign in order to help communities, businesses and legislators better address this problem throughout this important weekend.



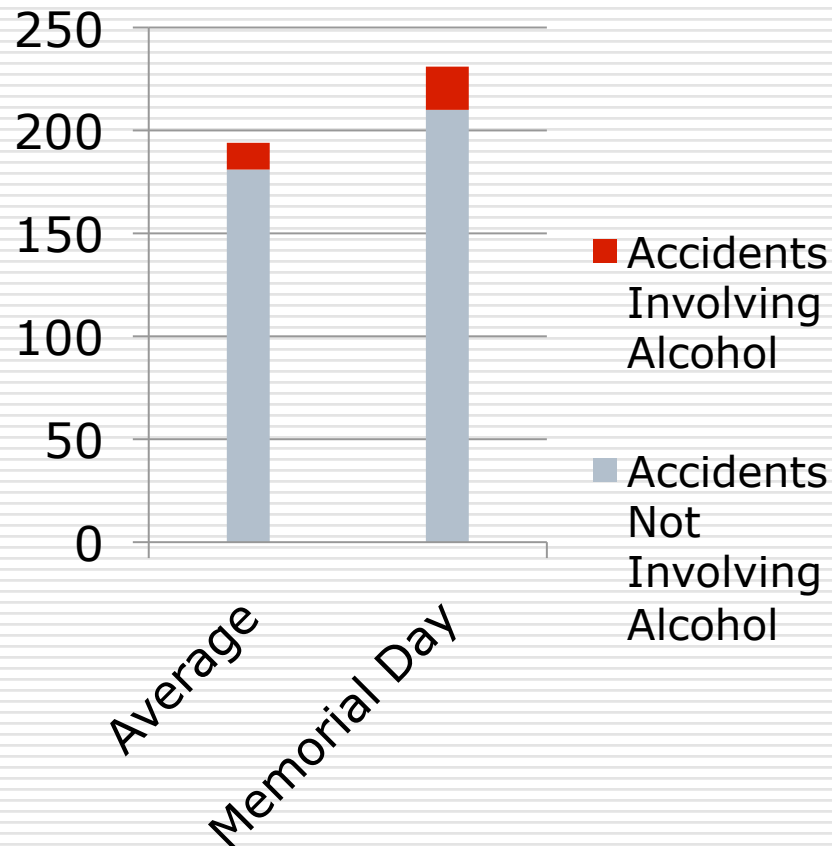
"100 Deadliest Days" for Teen Drivers

- 7 out of 10 of the "deadliest" days for teen drivers come within the 100 days that begin with Memorial Day and end with Labor Day, according to the AAA Foundation for Traffic Safety.
- Over Memorial Day Weekend alone, there will be an estimated 382 vehicular deaths, an increase of more than 10% over other weekends in May.
- As reported by the National Highway Traffic Safety Administration (NHTSA), 422 teens die in crashes during each of the summer months, as compared to an average of 363 teen deaths during non-summer.





Underage Drinking and Memorial Day



- According to NHTSA's Fatality Analysis Reporting System (FARS) in 2012, which is the latest data available, on an average weekend 194 underage individuals were involved in car accidents while on Memorial Day weekend 231 underage individuals were involved in car accidents.
- On Memorial Day weekend, 9.1% of these accidents involved alcohol. On the average weekend period (Friday to Monday), only 6.7% of accidents involving underage individuals also involved alcohol.
- On Memorial Day 2012, 46% of fatalities caused by underage drivers were the result of drunk driving, with 27% the result of underage drivers with a BAC higher than .15



DWI Arrests during Memorial Day Weekend

- The NYPD made three DWI arrests during Memorial Day weekend in 2012 due to accidents. This grew **three-fold** to nine DWI arrests during Memorial Day weekend in 2013 due to accidents.



Underage alcohol hospitalizations in N. Bronx

- ❑ The North Bronx Health Network reports that between 2011 and 2013 they admitted **425** individuals under the age of 21 for alcohol intoxication, abuse and other types of alcohol dependence during weekend periods (including Fridays and Mondays)

- ❑ The incidence of underage drinkers brought to the two hospitals of the North Bronx Health Network (Jacobi and North Central Bronx) during the 2012 and 2013 Memorial Day extended weekends was slightly higher than during the average extended weekend period in those two years. In 2012, 3.9% of these incidents happened during Memorial Day weekend, and in 2013, 3.2% of incidents happened during Memorial Day weekend. The average weekend would have seen 2% of incidents.



SECTION 2:

The Use and Costs of Fake IDs



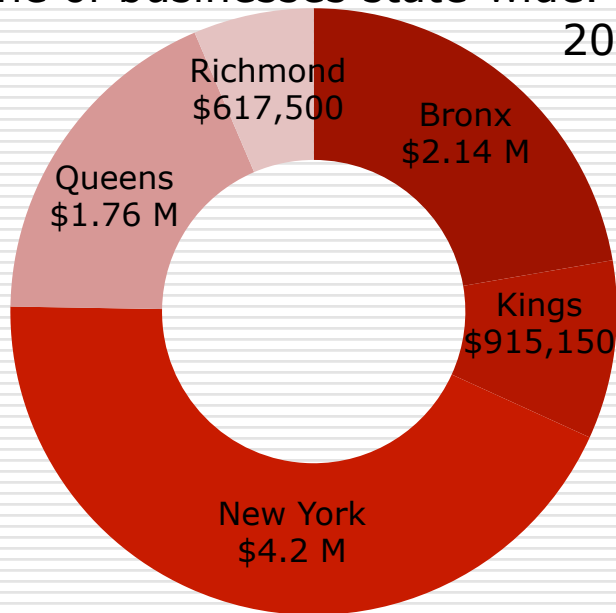
Harms to Businesses and Taxpayers

- ❑ Responsible businesses can be tricked by Fake IDs. However, Senator Klein and Assemblyman Crespo believe that scanners and ID confiscation can help to mitigate the threat. Creating incentives to encourage businesses to use scanners will decrease the incidences of underage drinking as well as the costs businesses must incur due to the use of fake IDs.
- ❑ Minors who use sophisticated fake IDs put responsible, local businesses at risk. The law sets a bright line for selling to minors and affords only some protections for businesses who responsibly card buyers.
- ❑ Underage drinking is a huge cost to New York and its taxpayers. The Substance Abuse and Mental Health Services Administration states that it continues to cost New York residents billions of dollars, \$3.3 billion in 2010 alone.

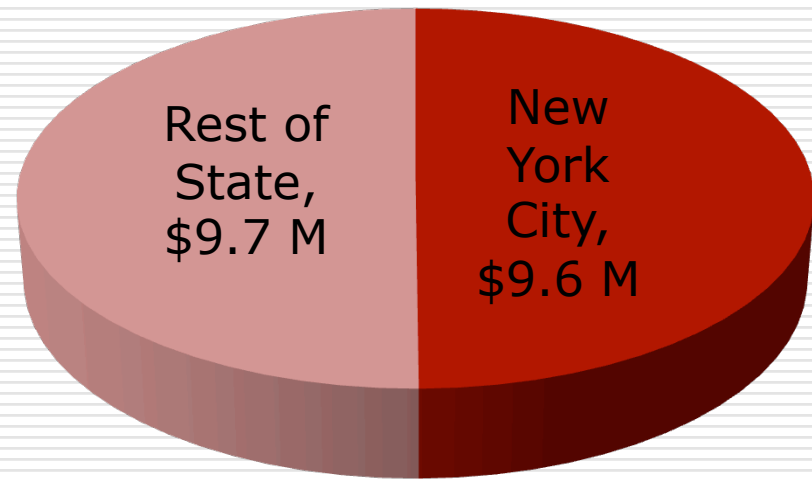


Costs to NYC and NYS Businesses

Fines levied by the State Liquor Authority against even the best acting businesses which sell to minors can add up and can cut into the bottom line of businesses state-wide. The following are fines collected between 2007 and 2011.



**Total to New York City
Businesses: \$9,614,815.00**



**Total to New York Businesses:
\$19,274,400.00**



Harms to Youth Using Fake IDs

Youth who use alcohol run a number of risks, as reported by the National Institute on Alcohol Abuse and Alcoholism:

- An estimated 1,825 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes.
- Approximately 599,000 students are unintentionally injured while under the influence of alcohol.
- Approximately 696,000 students are assaulted by other students who have been drinking.
- About 97,000 students are victims of alcohol-related sexual assault or date rape.
- Developing brains are susceptible to damage from alcohol and young people who begin drinking are as much as four times as likely to develop alcohol problems later in life than those who wait until they are 21.



Minors' Access to Alcohol

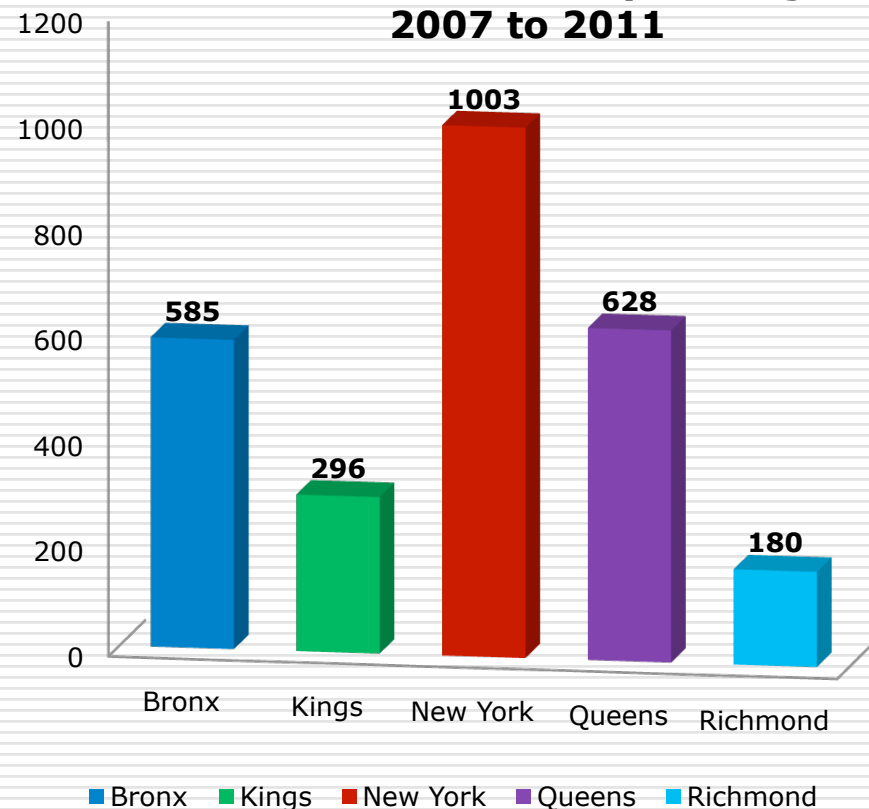
While restricting alcohol access to minors is a goal of the business community, it remains a persistent, if not growing, problem in New York City.

By Borough, the areas with the most recorded incidences are:

- 1) **New York: 1,003** incidences
- 2) **Queens: 628** incidences
- 3) **Bronx: 585** incidences
- 4) **Kings: 296** incidences
- 5) **Richmond: 180** incidences

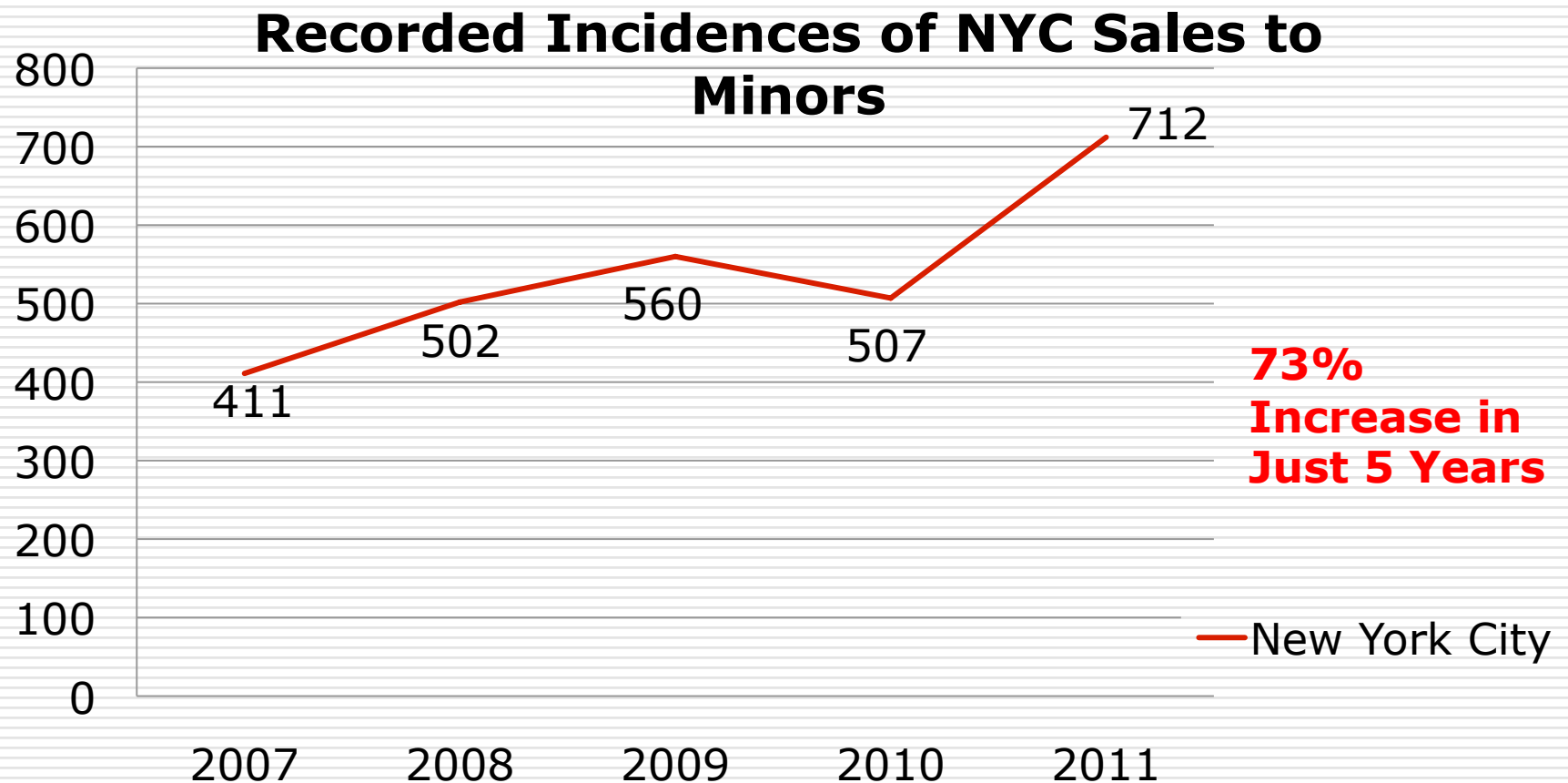
It is imperative that we give the business community the tools to reinvigorate the fight against underage drinking.

Five-Year Recorded Incidences of Sales to Minors By Borough, 2007 to 2011





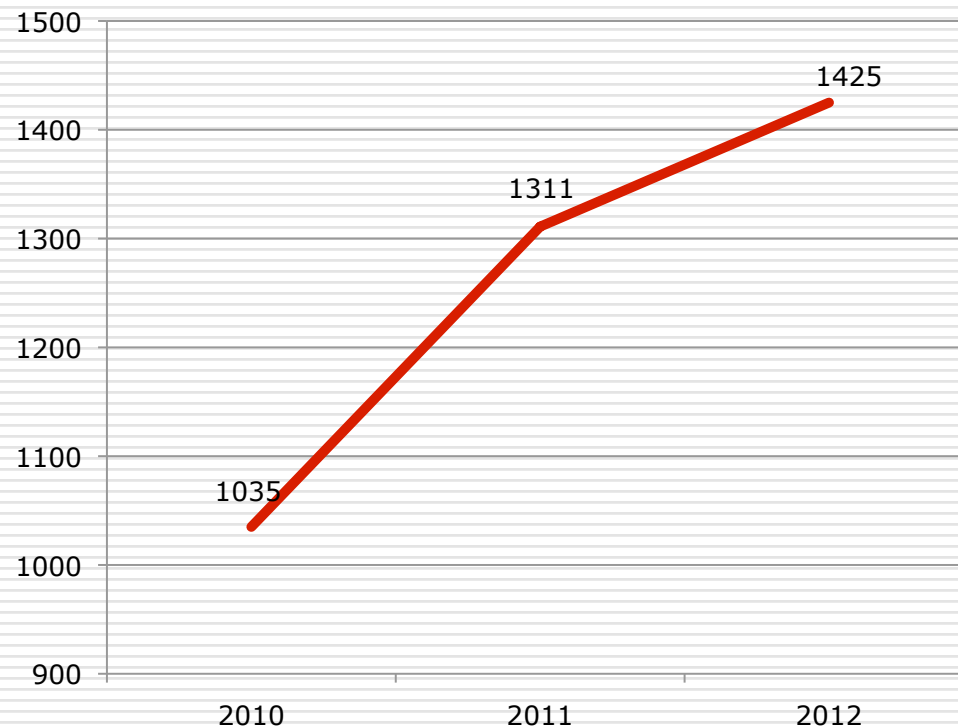
Minors' Access is Trending Up





Minors' Access is Trending Up

Adjudicated Sales to Minors Violations



According to the State Liquor Authority, the number of Sales to Minors they have adjudicated Statewide have increased **38%** since 2010

The New York Police Department issued **1,791** summonses in New York City for selling alcohol to minors in 2013



SECTION 3:

Legislative Solutions to Curb the Use of Fake IDs in New York State



Legislative Solutions to Deter the Use of Fake IDs in New York State

In 2013, Senator Klein and Assemblyman Crespo proudly sponsored S.4101-A/A.2530-B, which passed both houses of the Legislature and became Chapter 257 of the Laws of 2013 on July 31. This new law helps bring New York into greater parity with other states regarding fines for the use of fake IDs by minors.

Senator Klein and Assemblyman Crespo are also proud sponsor of a slate of other bills that target the use of Fake IDs for the purpose of obtaining alcohol. These pieces of legislation incentivize retailers be vigilant in carding underage drinkers, and help get fake IDs off the street. The Card Hard Campaign supports these pieces of legislation targeted at reducing and hopefully eliminating the use of fake IDs for the purposes of purchasing alcohol:

S.2334/A.2527 - Extends dram shop liability to serial makers of fake IDs

S.4102/A.2532 - Strengthens defenses for those retailers that employ best practices

S.5668/A.4004-A - Allows businesses to confiscate fake IDs and take them off the streets

S.6434/A.9377 - Requires retailers who have served minors to buy and use ID scanners



Chapter 257 of the Laws of 2013-Increase the Consequences of the Use of a Fake ID

S. 4101-A/A.2530-B became Chapter 257 of the Laws of 2013 on July 31, 2013. This new law modernizes the penalties for minors who purchase or attempt to purchase alcohol, but retains judicial discretion and flexibility.

- Increases second offense **penalties** from a fine and/or up to 30 hours community service to a fine **and/or up to 60 hours** community service.
- For a third and later violations, increases penalty from a fine and/or up to 30 hours community service to a fine **and up to 90 hours** community service.

This change will help strengthen the deterrent against minors using fake ID's to purchase alcohol.



S.2334/A.2527 - Extends Dram Shop Liability to Serial Makers of Fake IDs

S.2334/A.2527 will extend Dram Shop liability to persons who knowingly sell numerous false identifications to persons less than 21 years of age.

For too long makers of Fake IDs have not had to bear any responsibility for flooding the market with their products which foreseeably cause harm. This bill will fill that gap by extending liability and holding them accountable, but affords them an opportunity to present an affirmative defense that the purchaser was 21 or over.



S.4102/A.2532 Strengthen Defenses for Business Which have Best-Practices

S.4102/A.2532 will give additional cover to businesses which exercise the best technology and training available. An affirmative defense exists and will continue to exist for businesses which scan IDs.

This bill gives administrative liability immunity to businesses which:

- i) Have an operating scanner;
- ii) Require employees to scan IDs;
- iii) Hold a valid certificate of completion of a licensed alcohol awareness program; and
- iv) Have no violations within the previous two years.



S.5668/A.4004-A Allow Businesses to Confiscate Fake ID's

S.5668/A.4004-A legalizes and creates a system for taking Fake IDs by businesses.

Currently, false identification may not be legally taken and held by responsible businesses who believe the IDs to be fraudulent.

This bill authorizes businesses to scan IDs and then hold fakes for the authorities. It also allows businesses to use their best judgment and hold IDs which may scan as legitimate, but don't belong to that individual.



S.6434/A.9377 Requires Offenders to Buy and Implement ID Scanners

S.6434/A.9377 will allow authorities to require retailers guilty of providing alcohol to underage customers to buy, install, and implement electronic ID scanning systems.

In order to combat increasingly authentic-looking fake IDs, this bill attempts to incentivize businesses to keep ahead of the technology curve by installing ID scanners. Retailers that have been remiss in applying this technology can now be required to update their equipment in lieu of other penalties if it is shown that their traditional methods are no longer effective at screening fake IDs.



SECTION 4: The NYS Card Hard Campaign



In order to most effectively deal with underage drinking in the State of New York, Senator Klein, Assemblyman Crespo, Empire Merchants (a member of The Charmer Sunbelt Group), and businesses around the State agreed to join together to announce New York State's "Card Hard Campaign." This Campaign is a public-private initiative of elected officials and businessmen committed to curbing or ending underage drinking. Senator Klein is committed to passing more bills to not only encourage good practices among retailers but also make sure our youth realizes the consequences of using fake IDs to purchase alcoholic beverages before they attempt to do so.

In turn participating retailers around the state promise to be committed to "carding hard" and warning any youth entering their establishment the consequences of using fake IDs. Upon passage of these pieces of legislation, participating retailers will join in putting signs up in their establishments announcing their participation in this campaign by signifying that they "card hard." Participating retailers will also signify to youth in the community that owners will confiscate their IDs if they are fake to make sure we get as many fake IDs off the streets.

We hope this initiative will encourage all those involved in the sale of alcohol to use scanners, serve responsibly, train their employees to spot minors pursuing purchasing alcohol and work to make the community and State a Safer and Better New York



Committed businesses can use signs like the ones below to deter young drinkers from using fake IDs and illegally-obtaining alcohol. Fake ID users will be able to recognize businesses which exercise the highest caution.



WE CARD



DID YOU KNOW: If you are caught using a Fake ID, you could **LOSE** your driver's license. If you do not yet have a license, you won't receive one until you are 21.





Conclusion

Through the “Card Hard Campaign,” New York can give the businesses the tools they need to fight underage drinking as we mark Labor Day. Passing Senator Klein’s and Assemblyman Crespo’s proposed legislation will allow many committed and responsible businesses in New York to fight against underage drinking.

This public-private initiative can keep our youth safe and limit their exposure to alcohol until they are ready. These bills will share the burden between businesses, fake ID users, and fake ID makers. It is important to pass this legislation by the end of session so we can move quickly and confront this growing problem head-on.