



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Calls for Felony Charges for Individuals Who Drive Drunk WITH a Child in the Car

CHARLES J. FUSCHILLO JR. August 12, 2009

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State Senator Charles J. Fuschillo, Jr. (8th Senate District) today called for felony charges for individuals who drive drunk with a child in the car. Senator Fuschillo received the support of Nassau County District Attorney Kathleen Rice in his call for the increased penalties.

“A child in a car driven by a drunk driver is a defenseless hostage in a dangerous situation. Most children are too young to take the keys away or call a cab. Individuals who are responsible for protecting a child’s safety need to face higher penalties when their reckless actions put that child in harm’s way,” said Senator Fuschillo.

“Endangering a child because you choose to drink and drive is unconscionable, and deserves to land you behind bars. I applaud Sen. Fuschillo for this common-sense legislation and for continuing to keep New York at the forefront of our nation’s fight against drunk and drugged driving. This bill will ensure that those drunk drivers who imprison our most vulnerable in their cars will land in a jail cell where they belong,” said Nassau County District Attorney Kathleen Rice.

Senator Fuschillo has introduced legislation (S6125):

- * Individuals who drive drunk with a child under the age of 16 in the car would be charged with a class E felony and face up to four years in prison and/or a fine of up to \$5,000;
- * Expand the state’s aggravated vehicular homicide law to include drunk drivers who kill a child under the age of 16. In addition, it would raise the penalty for aggravated vehicular homicide to a class B violent felony punishable by up to 25 years in prison;
- * Expand the state’s aggravated vehicular assault law to include drunk drivers who seriously injure a child under the age of 16. In addition, it would raise the penalty for aggravated vehicular assault to a class C violent felony punishable by up to 15 years in prison.

Adults driving drunk with a child in the car remains a problem throughout New York State. There have been numerous examples over the years where parents were arrested for drunk driving with children in the car. The recent tragedy on the Taconic Parkway in which a mother who was allegedly driving drunk killed 7 other people, including 4 children riding in her car, shows that this behavior can have deadly consequences.

For the last several years, Senator Fuschillo has been working with Nassau County District Attorney Kathleen Rice and Suffolk County District Attorney Tom Spota, as well as victim advocacy groups such as MADD and DEDICATEDD, to create stronger penalties for people who drive drunk with a child in the car.

“People who are entrusted with a child’s safety and then abuse that trust by knowingly placing them in danger should face criminal penalties. DEDICATEDD strongly supports this measure and is grateful to Senator Fuschillo for his continued leadership in fighting to protect each of us from drunk drivers,” said Marge Lee, President and Founder of DEDICATEDD.

“An ordinary car becomes a weapon when the person driving it is drunk. A drunk driver with a child in their car is basically playing a game of Russian roulette with that child’s life. Enough is enough, and I am pleased that Senator Fuschillo is fighting to take these drunk drivers off our roads,” said Massapequa Park resident Joseph Dell’Anno, whose daughter Gina Marie was killed by a drunk driver.

Senator Fuschillo is the author of several anti-DWI laws, including New York State’s “.08” law and the law creating the crimes of aggravated vehicular homicide and aggravated vehicular assault for drunk drivers who kill or seriously injure others. Senator Fuschillo is also sponsoring legislation to require all convicted DWI offenders to install and use an ignition interlock at their own expense.