



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Fuschillo Bill Requiring Ignition Interlocks for All Convicted Drunk Drivers Passed by Senate

CHARLES J. FUSCHILLO JR. September 11, 2009

| ISSUE: **DRUNK DRIVING**

The New York State Senate unanimously passed legislation sponsored by State Senator Charles J. Fuschillo, Jr. requiring all convicted drunk drivers to use ignition interlocks.

“There are far too many examples of how a drunk driver turns an ordinary vehicle into a deadly weapon; ignition interlocks help disarm that weapon. They have been proven to help save lives and prevent drunk driving crashes. I am pleased that the Senate has acted to help protect others from enduring the pain and suffering caused by drunk drivers. I urge the Assembly to join the Senate in passing this legislation,” said Senator Fuschillo (R-Merrick).

Senator Fuschillo’s legislation (s27B) would require all those convicted of drunk driving, including first time offenders, to install, at their own cost, an ignition interlock device in all vehicles which they use while on probation. The ignition interlock requirement would be in addition to other penalties he or she may receive. The proposed law also mandates probation for all DWI offenders.

An alcohol ignition interlock is a breath test device linked to a vehicle’s ignition system. Offenders must blow into the interlock before starting their vehicle. The interlock will prevent the car from starting if it detects alcohol in the driver’s breath. According to MADD, interlocks have been proven to reduce repeat drunk driving offenses by an average of 64 percent. 11 other states have laws requiring or highly

incentivizing ignition interlocks for all convicted drunk drivers.

Under the legislation, first time offenders would have to use an ignition interlock between three months to one year, depending on their blood alcohol content (BAC):

- BAC of .08 to .11 – mandatory three months probation and interlock
- BAC of .12 to .17 – mandatory six months probation and interlock
- BAC of .18 or higher – mandatory one year probation and interlock

For repeat offenders, the period of required ignition interlock would be:

- 2nd DWI conviction – a minimum of three years probation and interlock.
- 3rd DWI conviction – a minimum of five years probation and interlock
- 4th DWI conviction - a minimum of ten years probation and interlock.

In addition, each person convicted of a drug or alcohol driving-related offense would have to pay a surcharge of \$50 which would be placed in a newly established Mandatory Ignition Interlock Fund maintained by the Division of Probation and Correction Alternatives and used to provide for continued and future support of the interlock program, including updating of equipment and hiring of more probationary staff. The fund would also support ignition interlock devices for New Yorkers who are proven to be unable to finance the devices.

Under current state law, only those convicted of Aggravated DWI (a .18 BAC and over) who are sentenced to probation are required to install and maintain ignition interlock devices.

The legislation is also being supported by Nassau County District Attorney Kathleen Rice, anti-DWI advocacy groups MADD and DEDICATEDDD, and families who have lost loved ones at the hands of drunk drivers.

The legislation now goes to the Assembly.

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