



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo: Senate & Assembly Should Pass Bill Raising Penalties for Driving Drunk WITH a Child in the Car During Next Special Session

CHARLES J. FUSCHILLO JR. | October 31, 2009

| ISSUE: **DRUNK DRIVING**

Fuschillo Bill Would Create Felony Charges for Individuals Who Drive Drunk With a Child in the Car

State Senator Charles J. Fuschillo, Jr. today called on the leaders of the State Senate and Assembly to vote on legislation he is sponsoring to create felony charges for individuals who drive drunk with a child in the car when the [Legislature](#) returns to Albany for special session.

“There have been far too many examples, particularly in recent months, where children are put in danger by the very adult that is responsible for their safety. These children become defenseless hostages, because most are too young to take away the keys or call a cab. We need stronger penalties for these reckless and irresponsible individuals, and I urge the Senate and Assembly leadership to bring this legislation to a vote during the next special legislative session,” said Senator Fuschillo (R-Merrick).

Under the legislation (S6125/A9111) being sponsored by Senator Fuschillo and Assemblyman [Harvey Weisenberg](#) (D-Long Beach):

* 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;

* The state's aggravated vehicular homicide law would be expanded to include drunk drivers who kill a child under the age of 16. In addition, the legislation would raise the penalty for aggravated vehicular homicide to a class B violent felony punishable by up to 25 years in prison;

* The state's aggravated vehicular assault law would be expanded to include drunk drivers who seriously injure a child under the age of 16. In addition, the legislation 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. This past summer on the Taconic Parkway, Diane Schuler crashed and killed 7 other people, including 4 children riding in her car, while allegedly driving drunk. The recent crash along the Henry Hudson Parkway, where Carmela Huertas crashed her car and killed 11 year old Leandra Rosado while allegedly driving drunk, is another tragic reminder of this problem.

“Drunk driving with a child in a vehicle is a form of child abuse. Every child deserves a sober designated driver. The New York Legislature must act in the next special session to pass DWI reform that creates a DWI child endangerment statute. Over 30 states have already passed similar laws. The Governor also must call on the State Assembly to follow the lead of the Senate and pass a strong alcohol ignition interlock law (S27B Fuschillo/A7196A Weisenberg) that requires these life saving devices for all convicted drunk drivers,” said

Laura Dean-Mooney, National President of [Mothers Against Drunk Driving](#).

Senator Fuschillo's legislation has broad, bipartisan support, with 26 other Senators serving as cosponsors.

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 (S27B), which has been passed by the Senate, to require all convicted DWI offenders to install and use an ignition interlock at their own expense.

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