



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

SENATE FIGHTS TO PROTECT CHILDREN FROM DRUNK DRIVERS; Passes bipartisan legislation increasing penalties for DWI with child passenger

ANDREA STEWART-COUSINS November 18, 2009

| ISSUE: **TRANSPORTATION**

(Albany, NY) Today, the Senate passed landmark legislation drastically increasing the penalty for any person who drives intoxicated with a child passenger. Two recent fatal incidents involving intoxicated drivers with child passengers have highlighted the need for stronger measures to prevent or punish persons who drive intoxicated with children as passengers.

The legislation, sponsored by Senators Martin Malave Dilan (D-Brooklyn) and Charles Fuschillo, Jr. (R-Merrick) and cosponsored by Senate President Pro Tempore Malcolm A. Smith, provides for the harshest penalties and most significant expansion of preventative measures to date for any offender convicted of driving while intoxicated with a child passenger.

Any DWI with a child passenger:

Increases offense from misdemeanor to E felony

Increases maximum penalties from 1 year in jail to 4 years in state prison

DWI and causing serious injury to a child passenger:

Increases offense from E felony to D felony

Increases maximum penalties from 4 years to 7 years in state prison

Driving recklessly while intoxicated and causing serious injury to a child passenger:

Increases offense from E felony to C felony

Increases maximum penalties from 4 years to 15 years in state prison

Driving recklessly while intoxicated and causing the death of a child passenger:

Increases offense from D felony to B felony

Increases maximum penalties from 7 years to 25 years in state prison

Mandates ignition interlock devices for all DWI convictions:

All offenders will be required to install a ignition interlock device in their vehicle upon conviction of any DWI offense, which may only be waived upon a judicial finding that the offender has no history of alcohol abuse or dependence.

Senator Dilan, Chair of the Senate Transportation Committee said, "The passage of Leandra's Law was a concerted effort in the Senate that broke through political barriers for the good of all New York families. New York should be proud that it stands alone in recognizing the dangers of driving drunk while a child is a passenger in the vehicle."

Senator Fuschillo said, "Holding a child's life hostage by putting them in a car and driving drunk should be a felony, and that's exactly what this bill would do. In addition, it would help prevent future drunk driving crashes by requiring all convicted drunk drivers to use ignition interlocks. I'm pleased that we were able to work together to pass this legislation,

which will further strengthen New York's DWI laws and prevent drunk driving crashes on our roadways.”

Senate President Pro Tempore Malcolm A. Smith said, “By strengthening both prevention and punishment, this bill is a strong step forward in our ongoing effort to eliminate the needless and tragic deaths caused by drunk drivers. Too many lives are put on the line every day through this reckless and thoughtless act, and it is long overdue that we take a tough stance against this unacceptable conduct.”

Senate Majority Conference Leader John L. Sampson said, “Nothing matters more to the individuals of the Senate than the safety of our children. This legislation will ensure that anyone who gets behind the wheel while intoxicated, and has a child with them, is penalized to the fullest extent of the law. This legislation will also protect countless lives, while taking a tough stance against those who put children in harm’s way.”

Senate Minority Leader Dean G. Skelos said, “I want to commend Senator Fuschillo for his hard work on this issue and I want to thank Leandra’s father, Lenny Rosado, for his perseverance in convincing the Assembly that this legislation was the right thing to do to make our roads safer for our children and grandchildren. If this measure stops just one person from getting behind the wheel drunk and threatening innocent lives then we will have done our jobs.”

Senator Eric Schneiderman (D-Manhattan/Bronx), co-sponsor of the legislation and Chair of the Senate Codes Committee said, “Although this bill won't bring Leandra Rosado back, it will honor her memory by protecting children across this state from deadly drunk drivers. By passing the toughest child passenger DWI law in nation, we are sending a clear message that

this kind of reckless conduct will not be tolerated in New York. Drivers who put the lives of children at risk will face serious consequences.”

Senator Craig Johnson (D-Nassau) said, "As someone who represents a community that has deeply felt the tragedy of having someone entrusted with protecting our children get behind the wheel while under the influence, I am proud to support this vitally important legislation. These tough new anti- drinking and driving measures will help protect our roads and children, as well as send a powerful message to those who seek to engage in this criminally reckless activity."

Senator Darrel J. Aubertine (D-Cape Vincent) said, “Drunk driving with a child in the car shows a complete disregard for what is right and should carry the stiff penalties outlined in this law. Certainly, the recent tragedies that prompted this legislation brought to light the need for increasing the penalty for putting a child at risk of injury or even death. It was important to fight for and win passage of a bill that is not watered down and strong enough to send a message that our children’s lives should never be jeopardized by drinking and driving. This bill also drives home the point that it is always safer, smarter, and cheaper, to call a friend, designate a sober driver, or take a cab home when drinking.”

Senator Andrea Stewart-Cousins (D/WF–35th District) said, “The health, safety and well-being of our children is of paramount concern to me and my colleagues in the State Legislature. Too many families have been traumatized and victimized by the tragedies that result when people who are intoxicated decide to drive. I am pleased to support this critical measure that not only strengthens penalties for driving while intoxicated with children as passengers, but also focuses on preventing future tragedies.”

Senator David J. Valesky (D-Oneida), Vice President Pro Tem said, “Driving while intoxicated

with a child in the vehicle is unconscionable. I am pleased that this important legislation provides tougher penalties which will hopefully prevent more tragedies from happening.”

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