



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo: “Leandra’s Law” Passed by State Senate

CHARLES J. FUSCHILLO JR. November 18, 2009

| ISSUE: **DRUNK DRIVING**

Law Would Create Felony Charges For Driving Drunk With a Child in the Car, Require All Convicted DWI Offenders to Use Ignition Interlocks

State Senator Charles J. Fuschillo, Jr. today announced that “Leandra’s Law,” which would create felony charges for those who drive drunk with a child in the car, has been unanimously passed by the State Senate.

Senator Fuschillo (R-Merrick) and Senator Martin Dilan (D-Brooklyn) are sponsoring the legislation in the State Senate. Assemblyman Harvey Weisenberg (D-Long Beach) is the Assembly sponsor. The legislation is named after 11 year old Leandra Rosado, who was killed while riding in a car that crashed along the Henry Hudson Parkway last month. The driver of the car, who was the mother of one of Leandra’s friends, was arrested for DWI.

Under the legislation, those convicted of driving drunk (.08 BAC or higher) with a child in the car would be guilty of a class E felony and face up to 4 years in prison.

Additional penalties would be created for cases where children are killed or seriously injured while riding in a car with a drunk driver. Drunk drivers who cause the death of a child riding in their car would face up to 25 years in prison. Those who seriously injure their child passenger in a DWI crash would face up to 15 years in prison.

In addition, any driver convicted of a DWI offense, including first time offenders, would not be permitted to operate a vehicle without having an ignition interlock installed. An 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.

These penalties would be in addition to any other penalties imposed by the courts.

The legislation has also been approved by the Assembly. Governor Paterson is expected to sign the legislation into law.

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