



NEW YORK STATE SENATOR

Martin Malavé Dilan

“Leandra’s Law” Passes in the Senate, Strengthening Penalties on Drunk Drivers Carrying Child Passengers

MARTIN MALAVÉ DILAN November 18, 2009

| ISSUE: **TRANSPORTATION, DMV (DEPARTMENT OF MOTOR VEHICLES)**

| COMMITTEE: **TRANSPORTATION**

Legislation Sponsored by Senator Dilan Makes it a First-Time Felony Offense to Drive Drunk with a Child Passenger

(Albany, NY)—Today the Senate united in the passage of the Child Passenger Protection Act, also known as **Leandra’s Law**, making penalties on drunk driving with child passengers the toughest in the nation.

Sponsored by Senator Martin Malavé Dilan (D-Brooklyn), Leandra’s Law, makes it a first-time felony offense for driving under the influence of alcohol, drugs or both while transporting passengers age 15 and under. The measure also requires the use of mandatory ignition interlock systems if convicted.

“This long-overdue legislation sends a strong message that driving drunk with a child in the car is a crime,” said Senator Dilan, Chair of the Senate Transportation Committee. “Unable to protect themselves, no child should be left vulnerable to the impaired judgment of an intoxicated driver.”

Under Leandra’s Law, driving impaired or with at least a blood alcohol level of .08 with a

child passenger age 15 and under, is a Class E felony – for both first-time and repeat offenders. The offense carries a sentence of one to four years in state prison, a fine of \$1000 to \$5000, and the issuance of a mandatory ignition interlock device.

The measure mandates that ignition interlock devices are to be standard sentencing on all DWI-related offenses, mirroring legislation already passed in the Senate earlier this year.

In the event of serious physical injury or death to a child, Leandra's Law increases penalties. In instances of injury to a child, the driver would be charged with a Class D felony and face a state prison sentence of one to seven years. If reckless driving is a contributing factor, the charge would be a Class C felony and carry a maximum prison sentence of 15 years.

If the driver causes the death of a child, the charge would be a Class C felony and carry a maximum sentence of 15 years in prison. If reckless driving is a contributing factor, the driver would be charged with a Class B felony and faces a prison sentence of up to 25 years.

Leandra's Law was drafted in the wake of the tragic crash on Oct. 11 that resulted in the death of 11-year-old Leandra Rosado. Leandra was killed when the driver of the vehicle crashed her car, carrying six other child passengers, while intoxicated. Before that, an alcohol-related accident in July took the lives of four children.

“It became abundantly clear that stricter laws were needed to ensure the safety of child passengers. The message needed to be sent, that in New York State, getting behind the wheel while intoxicated, with a child in the car is a serious offense and carries serious penalties,” said Senator Dilan.