



NEW YORK STATE SENATOR

Joseph A. Griffo

Griffo Supports Measure to Save Children From Traveling WITH Drunk Drivers

JOSEPH A. GRIFFO November 18, 2009

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SENATE PASSES MEASURE TO SAVE CHILDREN TRAPPED WITH DRUNK DRIVERS

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

Albany – Senator Joseph A. Griffo (R,I,C – Rome) today announced that the Senate approved legislation that would help law enforcement prevent motorists who drink from entering our State's roadways. 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. 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.

Griffo stressed that if successfully enacted into law, New York would now have one of the toughest DWI laws in the country. “In my first year, 2007, the Senate successfully pushed through new laws that strengthened and expanded the Ignition Interlock Device program. This is a further extension of that initiative,” Griffo continued. “New York State will make ignition interlock devices mandatory in all vehicles owned by people convicted of drinking and driving (DWI) even if it is their first conviction.” Earlier this year, the Senate passed a measure designed to mandate the installation of an Ignition Interlock Program for all persons convicted of Driving While Intoxicated. Griffo, a co-sponsor of that bill (S.27-B), hailed the measure as one of the most important lifesaving tools that law-enforcement officials would be able to utilize. “It’s terrible that it took several high-profile incidents in New York this past year to finally get an agreement on these lifesaving measures, but I know that what we’ve done today will save lives,” said Griffo. “There was always an element of not wanting to see another horrific incident occur before it was made law but unfortunately that’s what happened.”

The new measure would charge:

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 an 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.

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 Mothers Against Drunk Driving, 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 passed both the Senate and Assembly and is expected to be signed into law by Governor Paterson shortly.