



NEW YORK STATE SENATOR

Frank Padavan

Senate Passes Leandra's Law

FRANK PADAVAN December 29, 2009

| ISSUE: **DRUNK DRIVING**

New York State Senator Frank Padavan (Queens) announced today that the Senate has passed Leandra's Law, the nation's strongest DWI law by a unanimous bipartisan vote. The legislation, co-sponsored by Padavan, is the largest increase of criminal penalties for DWI convictions and includes the expansion of measures aimed at preventing drunk driving incidences throughout the state.

"This legislation contains two key elements to help keep our streets safe from drunk drivers," Padavan said. "First, it significantly increases criminal penalties for any adult that would reckless drive drunk with a child in the car. It sends a clear message if you are going to callously endanger the life of a child and endanger the life of innocent motorists or pedestrians you will be prosecuted to the fullest extent of the law with the strongest penalties in the country"

"Secondly, with the expansion of interlocking device for everyone convicted of a DWI we are taking the preventive measures to keep repeat offenders from getting behind the wheel of a car and proactively combating drunk drivers on our roads. This legislation will go a long way in reducing the instances of drunk driving in our state."

Specifically the bill establishes the crime of aggravated drunk driving with a child in a car when an individual has a blood alcohol content (BAC) of .08 or more and has a passenger under the age of 15 in the car. The new crime is classified as a class E felony punishable by a maximum of 1 1/3 to 4 years in prison. The bill also:

- Increases the criminal penalties for DWI which causes serious injury to a child passenger to a class D felony punishable by 7 years in prison;
- Increase the criminal penalties for driving recklessly while intoxicated and causing serious injury to a child from to a class C felony punishable by 15 years in prison;
- Increases the criminal penalties for driving recklessly while intoxicated and causing the death of a child to a class B felony punishable by 25 years in prison.

Additionally, the legislation expands and mandates the usage of ignition interlocking devices to include all individuals convicted of DWI. The cost of the interlocking device will be paid by the defendant and anyone who circumvents the interlocking device will be charged with a class A misdemeanor. Failure to install the interlocking device will result in the revocation of a conditional license.

The legislation is named after 11-year-old Leandra Rosado who was killed after the car driven by the mother of one of her friends overturned on the Henry Hudson Parkway. Following the crash, the driver was charged with drunk driving and vehicular manslaughter. Back in the summer, Diane Schuler drove drunk on the Taconic Parkway and crashed head on with another vehicle after driving the wrong way for a number of miles. Eight people died in the crash including Schuler, her two-year-old daughter, three nieces and three men in the other car. 5-year-old Brian Schuler is recovering from injuries related to the crash.

“New Yorkers everywhere were deeply impacted by the two most recent fatal instances where children were innocent victims of an adult drunk driver,” Padavan said. “This measure

will help save the lives of our children and grandchildren by putting anyone who would drive drunk with a child in a car behind bars. Today with the memory of Leandra and the Schuler and Hance girls and countless victims of DWI in our heart and our minds guiding our way, New York becomes the leader in the fight to end drunk driving.”