



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Proposes Stronger Drunk Driving Laws

CHARLES J. FUSCHILLO JR. May 14, 2010

| ISSUE: **DRUNK DRIVING**

New York State Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that he is sponsoring legislation to greatly strengthen the state's drunk driving laws. The legislation would create tougher penalties for repeat drunk drivers, expand the state's intoxication laws to include individuals who are high on inhalants, and give greater powers to law enforcement officers to collect valuable evidence in drunk driving cases. Senator Fuschillo is sponsoring the legislation, which is supported by Governor David Paterson, along with Senator Martin Dilan (D-Brooklyn).

"New York State has greatly strengthened its DWI laws over the last several years; this legislation would continue to build on those reforms. This legislation would create tougher penalties for those who repeatedly drink and drive and give law enforcement greater tools to keep drunk drivers off our roads. I urge my colleagues in the Senate and Assembly to support these public safety reforms," said Senator Fuschillo.

The legislation would:

- * Raise the length of mandatory jail sentences for repeat DWI offenders. Under the proposal, the mandatory sentence for individuals convicted of a second DWI offense within 10 years would be raised from five days imprisonment to 30 days. The mandatory sentence for individuals who are convicted of three or more DWI offenses within 10 years would rise from 10 days imprisonment to 90 days.
- * Allow district attorneys or police officers to direct an alleged drunk driver who causes an accident resulting in serious injury or death to submit to a chemical test. Current law requires a court order before blood can be taken from an alleged drunk driver, causing a delay which could allow the alcohol to disappear from the individual's blood, compromising potentially crucial evidence of intoxication. The legislation would remove this requirement, but would require the court's approval before it could be introduced in a trial as evidence.
- * Expand the current definition of "intoxication" to include individuals who are high on inhalants such as glues, paints, and aerosols (commonly known as "huffing"). Currently, individuals can only be charged with driving while intoxicated or impaired if they have ingested alcohol or drugs (including prescription drugs).
- * Create a "zero-tolerance" policy for school bus drivers who drive while impaired. School bus drivers convicted of driving while impaired would be permanently disqualified from driving a school bus again. In addition, the legislation would strengthen the provision of Leandra's Law requiring all convicted drunk drivers to use ignition interlocks, which will take effect this summer. Ignition interlocks are devices which are tied into a vehicle's ignition system and require a driver to breathe into it before starting the car. If the device detects alcohol in the driver's breath, it will prevent the vehicle from starting.

The legislation would:

- * Require ignition interlocks in youthful offender cases (persons under the age of 19).
 - * Make it a crime to install an ignition interlock in a manner that allows the device to be bypassed.
- Senator Fuschillo called on both the Senate and Assembly to pass the legislation.

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