



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo & D.a. Rice Call for Mandatory Jail Time for Repeat Dwi Offenders

CHARLES J. FUSCHILLO JR. November 23, 2010

| ISSUE: **DRUNK DRIVING**



New York State Senator Charles J. Fuschillo, Jr. (R-Merrick) and Nassau County District Attorney Kathleen Rice today announced a new legislative proposal to require mandatory jail time for those who repeatedly drink and drive.

"Time and time again, we've seen drunk drivers destroy lives and families because of their recklessness. Targeting those who continually disregard the law by drinking and driving over and over again is a commonsense solution to a very real problem. The message is strong but simple; if you repeatedly drink and drive in New York State, then you are going to jail," said Senator Fuschillo.

"DWI is a crime. It can be a deadly, violent crime. When a driver does not learn from the first conviction and gets convicted again, with no jail time, this only reinforces the myth that DWI is a social ill, not a crime. Research shows that approximately 21.6% of convicted drunk drivers in New York will be convicted again. The scarier research shows that statewide there are 481 incidents of DWI to every one arrest. The odds must change," said District Attorney Rice.

Incarceration for repeat DWI offenders is presently an option for a judge, but there is no requirement that these drunk drivers have to spend any time in jail. Under current law, drunk drivers convicted of two or more DWI offenses within ten years are guilty of a felony and face a fine and/or jail time. Those who commit these crimes within a five year period can face either additional jail time or community service. However, since jail time is not mandatory, judges can allow these individuals to escape incarceration and only face a fine or a combination of a fine and community service.

The legislation would require drunk drivers to serve a minimum of 30 days in jail for their second DWI offense in ten years, and a minimum of 90 days in jail if they are convicted of three or more DWI offenses within ten years. In both cases, these sentences would be in addition to any other penalties imposed by the courts. Senator Fuschillo will introduce the legislation for the new session of the State Legislature in January.

“Drunk drivers who repeatedly break the law and put people’s lives at risk shouldn’t be able to get off with only a fine or a fine and community service. The only appropriate community service is getting these drunk drivers off the roads and behind bars,” Senator Fuschillo added.

According to research conducted by the Institute for Traffic Safety Management and Research (ITSMR), which is part of SUNY Albany’s Rockefeller College of Public Affairs and Policy, approximately 21 percent of convicted drunk drivers in New York State will be convicted again. In addition, ITSMR estimates that there are 481 incidents of DWI for every one arrest in New York State.

“A law that calls for mandatory jail time for repeat offender drunk drivers will make people think before they drink. The drunk driver that killed my daughter Jodi was a four time repeat offender, and never spent a day in jail. Her fifth offense took the life of my child. Maybe, just maybe, if there had been a law like this one, Jodi would be here with us today and not dead,” said Denna Cohen, Chairperson of MADD Long Island’s Advisory Council.

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