



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Fuschillo Legislation to Strengthen Oversight of Conditional Licenses Passed by Senate

CHARLES J. FUSCHILLO JR. March 12, 2012

| ISSUE: **DRUNK DRIVING**

### *Proposed Law Would Require Court's Consent Before DMV Could Grant a Conditional License*

Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate's Transportation Committee, today announced that legislation he sponsors to prevent individuals arrested for DWI from obtaining a conditional license without a judge's approval has been passed by the New York State Senate.

"Having a driver's license is a privilege, not a right. Conditional licenses shouldn't be handed away to individuals arrested for drunk driving without any kind of judicial review, but that's exactly what is happening right now. We need to close the revolving door which is letting individuals arrested for DWI to automatically go right back on the road. Requiring judges to review and approve conditional license applications would add sorely needed oversight and better protect everyone on the road from drunk drivers," said Senator Fuschillo.

Current law allows those arrested for DWI to apply for a conditional license from the Department of Motor Vehicles (DMV) after an initial 30 day license suspension. Conditional licenses permit driving in certain instances, including: driving to and from work, school,

doctors' offices, child care, the DMV, the probation department, and DWI programs. Licensees are also allowed to drive as part of their job (if need be) and also for three hours a week to run errands and handle personal business. Those arraigned for drunk driving are virtually approved automatically for a conditional license by the DMV, as long as they have not been enrolled in a DWI program in the prior five years.

This lack of oversight has resulted in tragedy. Jose Borbon was given a conditional license after being arrested in January 2009 for drunk driving, criminal possession of a weapon, holding more than one license, and failure to obey a traffic device. On February 22, 2009, while out on bail and driving with a conditional license, he drove drunk again, this time killing Suffolk County Police Officer Glen Ciano.

Senator Fuschillo's legislation (S526A) would give judges greater authority to keep a dangerous drunk driving defendant off the road. DMV would be prohibited from issuing a conditional license to a drunk driving defendant without receiving approval from the judge handling that defendant's case.

"Drunk drivers do not deserve the benefit of the doubt when it comes to getting back behind the wheel, and this legislation will eliminate the current rubber-stamp process of conditional license approval for suspected DWI offenders," said Nassau County District Attorney Kathleen Rice. "I want to thank Senator Fuschillo for his leadership on this critical public safety issue and the members of the Senate for advancing this potentially life-saving legislation."

"When my husband was killed by a Jose Borbon he was driving on a conditional license having been arrested for DWI a few weeks before. This License was given to him even though he had a less than stellar record. Had a Judge reviewed this it is my sincere hope that he would have been refused that license and things might have turned out differently. This

legislation is so very important if we are to prevent other families from the tragedy that befell ours," said Susan Ciano, widow of Officer Glen Ciano and a MADD volunteer.

The legislation has been sent to the Assembly for consideration.