



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo's Legislation to Help Deter Underage Drinking Approved by Transportation Committee

CHARLES J. FUSCHILLO JR. March 19, 2013

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Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that legislation he sponsors to help deter underage drinking has been approved by the New York State Senate's Transportation Committee. The legislation (S4106) would allow courts to suspend the driver's licenses of underage alcohol offenders for failing to appear before the court or complete their court-ordered sentencing obligations.

"The law is very clear; if you are under age 21, you cannot drink alcohol. There are penalties for breaking the law, but far too many offenders are simply ignoring them without any consequence. That sends the wrong message. Allowing the court to suspend an offender's driver license if they fail to fulfill their legal obligations would help ensure that underage alcohol offenders take responsibility for their actions," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

Minors charged with under-age possession of alcohol with intent to consume must appear before the court and, if found guilty, may be sentenced to pay a fine, perform community service, and/or complete an alcohol awareness program. However, current law provides no practical penalty for offenders who fail to appear or fulfill their sentencing obligations, except a resource-intensive charge of contempt.

As a result, many youthful offenders are ignoring their obligations under the law knowing there is little chance they will face any consequences. According to the Office of Court Administration, the scoff rate on underage alcohol possession is as high as 30 percent in some courts.

Senator Fuschillo's legislation (S4106) would create a new tool to hold offenders accountable by allowing the court to suspend the driver's license of any underage alcohol offender who fails to appear before the court or complete the penalties associated with their conviction. The suspension would remain in place until the offender appears in court and completes the obligations set forth in their sentence.

The legislation is supported by the Office of Court Administration and The Century Council. In a memo supporting the legislation, The Century Council noted that it "supports effective and enforceable penalties for underage drinking such as those proposed in {the legislation}" and that the measure "would improve the state's current underage drinking prevention laws."