



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Announces Senate Passage of Legislation to Strengthen Leandra's Law

CHARLES J. FUSCHILLO JR. April 16, 2013

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced today that the New York State Senate passed legislation he sponsors to strengthen Leandra's Law. The legislation would close an unintended legal loophole which is allowing convicted drunk drivers to escape the mandatory ignition interlock requirement under Leandra's Law.

"Leandra's Law includes an ignition interlock requirement to help prevent convicted DWI offenders from driving drunk again. Unfortunately, many offenders are evading this requirement by transferring ownership of their vehicle and then claiming not to own a vehicle. Closing this unintended legal loophole is imperative to stop convicted drunk drivers from avoiding alcohol monitoring technology which prevents them from driving drunk again. The Assembly should join the Senate in passing this legislation to help save lives and prevent tragedies," said Senator Fuschillo, Chairman of Senate's Transportation Committee and a sponsor of Leandra's Law.

Leandra's Law was passed in 2009 following the tragic death of 11 year old Leandra Rosado, who was killed while riding in a car driven by her friend's intoxicated mother. As part of Leandra's Law, all convicted DWI offenders must install and use an ignition interlock in all vehicles they own or operate for a period of at least six months after their DWI conviction. Ignition interlocks are breath test devices linked to a vehicle's ignition system

which prevent the car from starting if alcohol is detected in the driver's breath.

However, many drunk drivers try to avoid the ignition interlock requirement by claiming they do not own or operate a vehicle, waiting for the interlock period to run out, and then reapplying for a license without ever having to use the interlock. Some of these drivers temporarily transfer ownership of the car to a relative or friend, who then allows that person to drive it without an interlock. According to the most recent statistics from the New York State Department of Criminal Justice Services, more than 70 percent of the over 37,000 DWI offenders statewide required to install an ignition interlock in their vehicles have failed to do so.

Leandra's father, Lenny, is strongly advocating for the proposed law and working closely with Senator Fuschillo to get it passed. Mr. Rosado said "I am very grateful that Senator Fuschillo and the New York State Senate have passed this legislation. By acting to close this loophole, they are sending a strong and powerful message that drunk driving will not be tolerated in New York State. I hope the Assembly will come together with the Senate, as they did when we first passed Leandra's Law, to get behind our efforts to toughen Leandra's Law and protect innocent people from drunk drivers."

The legislation sponsored by Senator Fuschillo (S1941) would close this loophole and strengthen Leandra's Law by:

- Clarifying that offenders must install ignition interlocks on any car they own or operate or the car they used to commit the DWI offense. Offenders would not only be required to install and maintain an interlock, they would also be prohibited from driving without one;
- Requiring offenders who demonstrate good cause for not installing any interlock to instead wear a transdermal alcohol monitoring device, such as an ankle bracelet, which would detect whether the offender has been consuming alcohol in violation of their sentencing conditions. As with the interlock, the costs of installing and maintaining the device would be borne by the offender;
- Preventing offenders from getting a license without fulfilling either the interlock or transdermal alcohol monitoring device requirement. This would ensure that offenders cannot avoid alcohol monitoring, eliminating a major incentive to try and evade the interlock requirement;

- Requiring DMV to receive specific authorization to remove the interlock restriction; it would not automatically be removed after 6 months;
- Making it clear that failing an interlock is a violation of the offender's sentencing conditions;
- Creating felony charges for convicted DWI offenders who drive drunk again while holding a conditional license.

Nassau County District Attorney Kathleen Rice, who worked with Senator Fuschillo on the legislation, said "Convicted drunk drivers have proven that they are a danger to every motorist and pedestrian on the road, and mandatory ignition interlocks exist to ensure the public's safety. Any loophole in Leandra's Law that allows a drunk driver to avoid the interlock must be closed and I applaud the Senate for passing this life-saving legislation.

"Mothers Against Drunk Driving (MADD) applauds Senator Fuschillo for his continued leadership to save lives and prevent drunk driving. MADD urges the Assembly to follow the Senate's lead and improve Leandra's Law," said MADD National President Jan Withers. "This measure will help stop drunk driving by closing unnecessary and life threatening loopholes in New York's drunk driving law."