



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Approves Legislation to Prevent Dwi Offenders From Getting Driver's Licenses Back Without Fulfilling Sentencing Obligations

CHARLES J. FUSCHILLO JR. May 29, 2013

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick), announced that the New York State Senate passed legislation he sponsored to ensure that DWI offenders do not have their driver's license reinstated until they have completed all the terms of their sentencing.

“Driving is a privilege, not a right. Convicted DWI offenders should not be able to have that privilege until they have paid their debt to society by completing all the terms and conditions of their sentence. This legislation would create another safeguard by requiring offenders to prove that they have fulfilled their court-ordered obligations,” said Senator Fuschillo.

The legislation (S5216) would ensure that convicted drunk drivers are not reissued a driver's license until they fulfill all the terms of their sentence. Drunk drivers can face a number of sanctions under current law in addition to a jail sentence, including using an ignition interlock, fines, completing a drinking-driving prevention program, participating in a victim's impact panel, undergoing an alcohol or drug assessment and treatment, payment of restitution, and/or community service.

Currently, offenders are overseen by a number of different state and local agencies, all of whom must communicate and coordinate with one another about the offender's progress. There is nothing requiring the offenders themselves to prove that they have fulfilled all their sentencing obligations. This increases the chances that an offender will fall through the cracks and go back on the road without fulfilling the conditions of their sentences.

The legislation would strengthen existing safeguards by requiring offenders to provide proof that they have completed their sentencing obligations to DMV before they can be reissued a license. DMV would establish the procedure by which offenders would prove that their sentence has been completed before receiving their license.

The 58 local programs collectively comprising the New York State STOP-DWI program estimates that there is as much as \$75 million in uncollected DWI fines alone over the past 20 years.

“Over the years the Legislature has implemented a thoughtful range of sanctions for alcohol and drug-related driving offenses based on the severity of the offense. These include statutorily-prescribed sanctions such as the installation of an ignition interlock and completion of the State Alcohol and Drug Rehabilitation Program, as well as judicially-imposed sanctions, such as fine payment, and special conditions that may include restitution, community service and attendance at a Victim's Impact Panel. We have found that in all too many instances, offenders have failed to comply with the terms of their sentence, but, are still able to regain their driver's license. This legislation addresses the matter by establishing a simple “clearinghouse” mechanism to ensure that all terms of sentence have been completed before a license is restored. We applaud the Senate for its action on this important matter,” said Christina Hale, Chair of the New York State STOP-DWI Association.

“The violence and damage that drunk driving causes demands that convicted drunk drivers complete their sentence before being allowed to get behind the wheel again,” said Nassau County District Attorney Kathleen Rice. “Too much is at stake for innocent motorists to give drunk drivers the benefit of the doubt when it comes to re-licensing, and I thank the Senate for advancing this critical piece of legislation.”