



STATE OF NEW YORK | EXECUTIVE CHAMBER  
DAVID A. PATERSON | GOVERNOR

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**GOVERNOR PATERSON SIGNS GROUNDBREAKING DWI LEGISLATION INTO  
LAW**

*Law Strengthens Penalties for Those Who Endanger Children by Driving While Intoxicated;  
Protects Young Passengers*

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Governor David A. Paterson today signed into law Governor's Program Bill No. 204, the Child Passenger Protection Act, now known as Leandra's Law. The legislation makes it a felony for individuals to drive while intoxicated or under the influence of drugs (DWI) with children in the car. Previously, this was considered a misdemeanor offense and could be treated as a traffic violation. The law also marks the first time that New York State has mandated ignition interlocks for all misdemeanor and felony DWIs.

"When I introduced The Child Passenger Protection Act - now known as Leandra's Law - it was because too often drivers under the influence of alcohol or drugs chose to compromise not only their own lives, but also the lives of our children. Today, we say enough," Governor Paterson said. "This legislation sets some of the toughest DWI penalties in the nation, providing law enforcement officials with the tools they need to prosecute offenders. I thank my colleagues in the Senate and Assembly for working to prevent future tragedies of young lives needlessly cut short."

Lenny Rosado, father of Leandra Rosado for whom the bill is named, said: "Today is a glorious day. I would like to thank Governor Paterson for his leadership on this issue. He is a good and honest man. We spoke parent to parent and I believe in him as a man, a parent and leader. We stand together today to save more lives."

Senate Majority Conference Leader John L. Sampson said: "Drunk driving has cost too many New Yorkers their lives, and the time has come for us to hold drunk drivers accountable. I commend Senators Dilan and Fuschillo for their bipartisan leadership, along with Governor Paterson and the Assembly, in cracking down on reckless behavior and making New York safer."

Senate President Pro Tempore Malcolm A. Smith said: "By strengthening both prevention and punishment, this legislation is a strong step forward in our ongoing effort to eliminate the needless and tragic deaths caused by drunk drivers. Too many lives are put on the line every day

through this reckless and thoughtless act, and it is long overdue that we take a tough stance against this unacceptable conduct.”

Assembly Speaker Sheldon Silver said: “We have heard from the family of Leandra Rosado, Mothers Against Drunk Driving, and law enforcement, district attorneys and concerned citizens from across New York State, who demand the comprehensive protections and punishments that this law will provide. With the passage of this legislation, New York will have the toughest sentences for any first time DWI offense in the nation, including mandatory interlock systems for those convicted of drunken driving. This sends an important message; drive intoxicated with a child, get charged with a felony.

Under the new law:

- First time offenders driving while intoxicated (.08 Blood Alcohol Content (BAC) or more) or impaired by drugs while a child of younger than 16 years old is in the vehicle may be charged with a class E felony punishable by up to 4 years in State prison.
- Individuals charged with driving with a blood alcohol level of .08 or greater and with a child under the age of 16 in the vehicle would automatically have their license suspended pending prosecution.
- Courts must order all drivers convicted of a misdemeanor or felony DWI to install and maintain an ignition interlock on any vehicle owned and operated by such driver for at least 6 months, in addition to any term imprisonment. The Department of Probation and Correctional Alternatives will issue regulations that will provide counties with different options for supervising the use of interlocks, so as to ensure that they can determine the most appropriate mechanism for their needs.
- Drivers who drive while intoxicated or impaired by drugs and cause the death of a child younger than 16 in the car may be charged with a Class B felony, punishable by up to 25 years in State prison.
- Drivers who drive while intoxicated or impaired by drugs and cause serious physical injury to a child in the vehicle may be charged with the Class C felony, punishable by up to 15 years in State prison.
- Individuals who are a parent, guardian, custodian or otherwise legally responsible for a child who are charged with driving while impaired by alcohol or drugs while that child is a passenger in the car would be reported to the Statewide Central Register of Child Abuse and Maltreatment by the arresting agency.

Deputy Secretary for Public Safety and Commissioner of the New York State Division of Criminal Justice Services Denise E. O’Donnell said: “Leandra’s Law has tougher penalties for those who drive drunk with children in the car and a strong focus on prevention. Those states which require mandatory interlock devices have 35 percent fewer DWI offenses. This legislation will prevent more senseless deaths and will save lives.”

Interlock provisions mandate the installation of a device that makes the car inoperable unless the individual demonstrates via breathalyzer that he or she is not under the influence of alcohol. The installation of such a device as a sanction for a DWI offense was previously left to the court's discretion. Experience in other states has shown interlocks to be an extraordinary effective tool in curtailing drunk driving.

In passing this legislation, New York joins 35 states that have special "child endangerment" laws to impose higher DWI sanctions against individuals who place a child passenger at risk. It joins twelve other states with across-the-board mandatory interlock laws.

Senator Martin Malavé Dilan, Chair of the Senate Transportation Committee, said: "Leandra's Law is a long-overdue measure that toughens penalties for those who knowingly put children at risk when getting behind the wheel while intoxicated. I applaud Governor Paterson for proposing this groundbreaking legislation and in doing so protecting New York's children and families."

Assemblyman Harvey Weisenberg said: "This bill is a reminder that too many children have been injured or killed because those who are responsible for protecting them sometimes ignore that commitment. Today, we send a message of deterrence, and if that message is not heeded, the punishment will now fit the crime."

Senator Charles J. Fuschillo, Jr. said: "Holding a child's life hostage by putting them in a car and driving drunk should be a felony, and that's exactly what this legislation would do. In addition, it would help prevent future drunk driving crashes by requiring all convicted drunk drivers to use ignition interlocks. I'm pleased that we were able to work together to pass this legislation, which will further strengthen New York's DWI laws and prevent drunk driving crashes on our roadways. I thank Governor Paterson for his support."

David J. Swarts, Commissioner of the Department of Motor Vehicles and Chair of the Governor's Traffic Safety Committee, said: "I applaud the Governor's leadership to ensure New York once again takes the vital steps necessary to increase traffic safety and protect the most vulnerable of highway users, our children. Those who choose to drink and drive risk killing or injuring not only themselves, but all users of our roadways and these new laws will go a long way to curb this dangerous and thoughtless behavior."

Kate Hogan, President of the New York State District Attorneys Association and Warren County District Attorney, said: "Today, our government efficiently worked to protect its people by enacting comprehensive legislation that will enhance penalties for any drunk driver who has a child in the vehicle and requires ignition interlocks for all DWI defendants. The District Attorneys Association commends Governor Paterson for his leadership on this issue and applauds the Senate and the Assembly for recognizing its importance to public safety."

Chuck Hurley, Chief Executive Officer of Mothers Against Drunk Driving, said: "MADD deeply appreciates the leadership of Governor Paterson in including key drunk driving legislation in his call for the Special Session. With his signature on the felony child endangerment and all conviction interlock laws, lives will be saved. New York has become the model for the nation."