

## *Important Points of New DWI Law*

- **12/18/2009:** Until today, New York was one of only 15 states that did not have a special child endangerment law imposing tougher sanctions on those who drive drunk with a child in the vehicle. Thanks to the leadership of Governor Paterson, Senator Fuschillo and Assemblyman Weisenberg, New York now has what I believe is the strongest law in the nation. Here are the major provisions:
  - Individuals who are a parent, guardian, custodian or otherwise legally responsible for a child who are charged with a driving while intoxicated or impaired by 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.
  - First-time offenders driving while intoxicated (.08 Blood Alcohol Content or more) or impaired by drugs while a child younger than 16 years old is in the vehicle may be charged with a Class E felony punishable by up to four years in state prison. Courts also must order those convicted of DWI to install and maintain an ignition interlock on any vehicle owned or operated by such driver for at least six months, in addition to any terms of imprisonment.
  - 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.
  - 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 a Class C felony, punishable by up to 15 years in state prison.
  - The law also will require – effective Aug. 15, 2010 – that courts must order all drivers convicted of a misdemeanor or felony DWI to install and maintain an ignition interlock on any vehicle owned or operated by such driver for at least six months, in addition to any terms of imprisonment. New York will join 12 other states with across-the-board mandatory interlock laws when this provision takes effect.