

## Gov. Cuomo tightens Leandra's Law

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Recently Gov. Cuomo signed into law a provision that will make New York drunk driving laws even tougher. The recently enacted law seeks to close many of the loopholes that certain drunk driving offenders were using to avoid the enhanced penalties under Leandra's Law.

### About Leandra's Law

Leandra's Law was originally enacted in 2009 in response to the death of 11-year-old Leandra Rosado, who died in a car that was driven by a drunk driver. The law was passed to protect future minor passengers from the risk of being injured or killed by an intoxicated driver.

Under the law, persons convicted of driving with a blood alcohol level of .08 or above with a minor aged 15 or under are guilty of a felony and can be punished by up to four years behind bars. Additionally, if the minor is seriously injured in a drunk driving accident, the penalty increases to 15 years in prison. Finally, if the minor is killed in the accident, the driver can face up to 25 years in jail.

In addition to the enhanced penalties for those convicted of DUI while transporting a minor, Leandra's Law also requires the installation of an ignition interlock device on vehicles owned or operated by all drunk driving offenders, regardless of whether a minor child was in the car at the time of the arrest. Such devices function similar to a Breathalyzer and prevent the operation of a motor vehicle if a certain amount of alcohol on the driver's breath is detected.

### New law closes loopholes

Once the law was passed, many people got around the requirement of the ignition interlock device by falsely claiming that they no longer owned the car. The new law closes this loophole by requiring motorists to go to court and state that they no longer own the car under oath. If the motorist is caught lying, he or she can be subject to perjury charges as well as other criminal

penalties.

The original law also required offenders to have ignition interlock devices installed in their cars for six months. Unfortunately, this was the same amount of time that offenders' licenses were suspended. As a result, many simply surrendered their licenses until the six-month period was up and did not bother to install ignition interlocks on their cars. The new law closes this loophole by increasing the license suspension for those who do not install ignition interlocks from six months to one year.

In addition to closing loopholes, the new law also toughens the penalties against certain drunk drivers. For one, the law makes clear that those driving drunk with a conditional license--a license given to those convicted of DUI to allow them to drive to work or school--are guilty of a felony punishable by a year or more in prison. Previously, those driving drunk while holding a conditional license could only be charged with a traffic infraction.

In addition, the new law also makes it clear that those under age 18 who are convicted of DUI are subject to the same penalties as older drivers. Under the old law, this was not clear.

Consult an attorney

The new law makes it more likely that DUI offenders will face severe penalties and significant loss of freedoms. As a result, if you are accused of drunk driving, it is important to present a strong defense. An experienced criminal defense attorney can advise you of your rights and ensure that they are protected throughout the process.