

N.Y. toughens DWI, fake-ID laws

Written by Ashley Hupfl Albany Bureau

Oct 31

lohud.com

ALBANY — New laws take effect Friday that boost penalties for drinking underage, using a fake ID and driving drunk with a child in the car.

Other laws that start Friday include making it “a class E felony to throw, toss or expel the contents of a toilet on a correctional facility employee.”

The state is bolstering “Leandra’s Law,” enacted in 2009 to stiffen penalties for drunken drivers who had a child in the vehicle. The new law strengthens the requirement that convicted drunken drivers use ignition interlocks, which are breathalyzers that connect to the car’s ignition system. Drivers must breathe into the breathalyzer to start the car. If they were drinking, the car won’t start.

The law was enacted after Leandra Rosado, 11, was killed during a car accident because her friend’s mother was driving intoxicated in New York City.

The state Department of Criminal Justice Services found this year that more than 70 percent of DWI offenders have found ways to avoid using ignition interlocks. Under the new law, DWI offenders who install ignition interlocks and use them properly may restore their license in six months, rather than one year for those who don’t.

A common way to avoid the ignition interlock is for DWI offenders to transfer ownership of their vehicle to a friend temporarily. DWI offenders will now have to swear under oath they are not a vehicle owner and will not drive; they can be charged with additional crimes if they are found driving. DWI offenders who are caught driving with a conditional license while drunk will be charged with a Class E felony; offenders can face up to four years in prison.

Also taking effect Friday, someone younger than 21 who uses a fake ID to buy alcohol would face double the community service hours on a second offense, from 30 hours to 60 hours. If someone is charged for the third time, that person faces up to 90 hours of community service.

In July, Gov. Andrew Cuomo signed legislation to increase the charges against a person who kills a police dog or horse in the line of duty. Now a Class A misdemeanor, the crime will be a Class E felony as of Friday. State lawmakers approved the measure this year after a police dog was killed while investigating a multiple shooting in Herkimer County last March.

Assemblywoman Aileen Gunther, D-Forestburgh, sponsored legislation taking effect Friday that charges prisoners who throw the contents of a toilet bowl on an employee with aggravated harassment, a felony. An inmate in Sullivan County had emptied a toilet bowl onto a correction officer. But it was determined the toilet did not contain human waste, so the inmate could not be charged.