

Parents Beware: Driving Home Drunk from Family Getaways Carries Heavier Penalties

By Thomas J. Carr

Summer is fast approaching. Capital Region parents will soon be spending quality (and hopefully some relaxing) time with their children at the lake or any of the area's many summer festivals. But parents will also be facing serious consequences if they get pulled over while driving the family home and are found to be intoxicated.

This year will mark the first full summer that any driver convicted of driving while intoxicated will face the penalties of a fully implemented Child Passenger Protection Act, also known as Leandra's Law. The law established harsher penalties for DWI offenses involving children and requires all drivers convicted of misdemeanor and felony DWI charges to have an interlock ignition device (IID) installed at their own expense on any vehicle they own or operate for at least six months.

Leandra's Law took effect in two phases. Under the first phase that started on Dec. 18, 2009, offenders who drove while drunk or while drug impaired and with children under the age of 16 years old in the vehicle were automatically charged with a Class E felony, whereas such offenses could have resulted in a misdemeanor charge under the old law. The law's second phase, which took effect on Aug. 15, 2010, implemented the IID requirement for all DWI convictions. Cars with IIDs will not allow a vehicle to start until a driver blows into the device and a blood alcohol content below 0.025 percent is recorded (driving with a BAC level above 0.08 percent constitutes a DWI offense).

A recent Glens Falls Post Star

article

highlighted the achievements and shortfalls of Leandra's Law. The newspaper noted that since last Aug. 15, 521 drivers had been convicted of DWI in Warren, Washington and Saratoga Counties. Only 30 percent of these drivers, or 151, were required to have an IID installed on their vehicles. Wanting to avoid the embarrassment of having to drive around with an IID or the approximately \$1,140 cost of having them installed, maintained and uninstalled, some drivers convicted of DWI have gone to great lengths to exploit loopholes in Leandra's Law, the Post Star

said, explaining part of the discrepancy between DWI convictions and IID orders.

Some of the most common methods drivers use to avoid the IID requirement include transferring ownership or title to their cars, denying ownership and claiming they have no intention of driving during the minimum six-month period the device installation is required. So far, there have not been any cases local to Glens Falls in which a judge ordered the installation of an IID on a vehicle not owned by a driver convicted of DWI, even though Leandra's Law says the devices can be installed on vehicles operated by drivers convicted of

DWI in addition to those owned by them.

Drivers who attempt to exploit loopholes in the law need to remember they could face a Class A misdemeanor charge and up to one year in jail if they are caught driving without an IID when one was ordered. People who help drivers circumvent the law also put themselves at risk and could face a Class A misdemeanor charge for blowing into a device so an intoxicated person can drive. Given the harsh consequences for DWI convictions, it is important that people arrested for drunk driving contact a criminal defense attorney.

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