

Prison/Straight Jail Sentences Become Less Common for Felony DWI

By Donald E. Kelly

Fewer drivers statewide are facing prison and straight jail sentences for felony driving while intoxicated convictions. This trend, however, does not mean New York is softening on drunk drivers, because more drivers convicted of felony DWI are getting jail and probation sentences, according to a report

recently released by the New York State Division of Criminal Justice Services (DCJC).

Repeat drunk driver offenders often get slapped with felony DWI charges. With the Child Passenger Protection Act, better known as "Leandra's Law," which was partially enacted in December 2009, lawmakers created a new felony drunk driving offenses

called aggravated DWI with a child. This offense applies to situations where someone drove drunk with a child under 16 years old in the vehicle. A violation of Leandra's Law, like a second DWI offense, is a Class E felony, which carries a mandatory fine of \$1,000 to \$5,000, a minimum 18-month license revocation, and up to four years in prison. Moreover, anyone convicted of a DWI offense must install an ignition interlock device, usually at their own expense, which requires an alcohol-free breath sample for the ignition on the vehicle to operate.

Between 2009 and 2011, the number of felony DWI convictions that resulted in prison sentences declined by 10 percent to 484 and straight jail sentences fell 15 percent to 693. During the same period, jail and probation sentences rose by 6 percent to 1,369. While these trends may not necessarily comfort someone facing a felony DWI charge, they should also know that approximately one in three felony convictions (1,419) resulted in sentences of probation. See chart

In Onondaga County, felony DWI is becoming a more common crime. Since 2002, the number of people arrested for felony DWI has increased 50 percent to 207, according to the DCJS.

As these statistics illustrate, the sentences for felony DWI convictions vary greatly. It's always best to get a DWI attorney involved as soon as possible so he or she can review your case, listen to your story, pinpoint any procedural errors committed by the police, and ensure your rights are protected. If you are facing a DWI charge, call an attorney today.

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