



# LEANDRA'S LAW— VEHICULAR DEATH OF CHILD SPURS LEGISLATURE

Driving drunk with a child in your car is now a felony in New York. The new law, known as either Leandra's Law or (officially as) The Child Passenger Protection Act, was inspired by the memory of 11-year-old Leandra Rosado of New York City and was signed into law by Governor Paterson on November 18, 2009. The law took effect on December 18, 2009. The namesake child, Leandra, was killed in an accident just this past October while a passenger in the car of a friend's mother. The driver was drunk; her car flipped over on the Henry Hudson Parkway. The driver eventually was charged with manslaughter.

The state senator co-sponsoring the bill was quoted as saying that, last year, 59 children were killed or hurt while in a car operated by a drunk driver.

The statute has several important provisions:

**First:** It is a felony, punishable by up to four years in prison, to drive drunk with a blood-alcohol level of .08 or higher with a child younger than 16 years-old in the car.

**Second:** Drunk drivers who cause the death of a child passenger in their car will face up to 25 years in prison; those who seriously injure a child riding in their car will face up to 15 years.

**Third:** If the driver violating this law is the passenger-child's parent or guardian, Child Protective Services is to be notified.

**Fourth:** (This is what I think is the most interesting part of the law.) As of August 15, 2010, any driver convicted of felony or misdemeanor drunk driving, in addition to fines and/or jail time, will be ordered to install and maintain an ignition interlock device on his or her car or truck. This means that convicted drunk drivers will have to pay to install a gizmo that locks their ignition while they blow air into an attached tube. If they're sober, the car starts.

To avoid having friends or family members test in place of the driver, some devices have cameras attached or require retests periodically during the car's trip. Failure to take the retest may set off the car alarm or send a GPS alert to authorities. The devices are virtually tamperproof.

The courts and law enforcement authorities are scrambling to make sure that enough of these devices will be available.



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Thank you,  
*Gary E. Rosenberg*

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