



STATE DIRECTOR'S MEMORANDUM # 2010-05

TO: County Executives and Administrators
New York State

FROM: Robert M. Maccarone *R.M.M.*
State Director

DATE: May 6, 2010

SUBJECT: Child Passenger Protection Act ("Leandra's Law")
Ignition Interlock County/City Plan

On November 18, 2009, Governor David A. Paterson signed into law the Child Passenger Protection Act, specifically Chapter 496 of the Laws of 2009, referred to as "Leandra's Law". This important new law will help reduce drunk driving in New York State and promote traffic and community safety. New York State joins nine other states that have now implemented mandatory "first offender" statutes that require the installation of breath alcohol ignition interlock devices on the motor vehicles of operators who are convicted of DWI misdemeanor and felony offenses, and who are sentenced on or after August 15, 2010. This law also imposes increased penalties on persons convicted for certain driving while intoxicated crimes while having a child (ren) younger than 16 years of age in their motor vehicles.

"Leandra's Law" charges the NYS Division of Probation and Correctional Alternatives (DPCA) with the responsibility to promulgate regulations governing the monitoring of compliance by persons ordered to install and maintain ignition interlock devices on vehicles they own or operate. With input from local professionals, these regulations were promulgated as emergency regulations on April 23, 2010, a copy of which was sent to the NYS Association of Counties and is now attached hereto. Section 358.4 of these regulations requires that every county, and the City of New York, establish an ignition interlock program plan with respect to usage of ignition interlock devices and monitoring the compliance of an operator subject to installation of an ignition interlock device as directed by the sentencing court. This section also defines the parameters of the program plan.

In order to facilitate this process, DPCA has prepared a simple plan document (attached), which is largely prescriptive in format to ease preparation and submission. This document contains all of the necessary inquiries that must be addressed. This plan shall be approved, as applicable, by

the county executive or county administrator, manager, etc. and in cities with a population of one million or more residents, the mayor, **and filed with DPCA no later than June 15, 2010**. This will ensure that DPCA is able to provide responses to localities by July 15, 2010—30 days in advance of the effective date of August 15, 2010.

DPCA has circulated a Request for Applications (RFA) to the manufacturers of breath alcohol ignition interlock devices, which is due at DPCA on May 12, 2010. Soon thereafter, DPCA will advise Counties and the City of New York of the manufacturers qualified to do business in New York State. Also, during the next week or two, DPCA will be sharing copies of statewide forms to assist counties and the City of New York implement their plans.

The completed plan should be returned to:

Walter Cogswell
Community Corrections Representative III
NYS Division of Probation and Correctional Alternatives
80 Wolf Road – Suite 501
Albany, New York 12205

Or E-Mail

Applications2010@dpc.state.ny.us

Should you have any questions about the plan please contact Walter Cogswell at 518-485-5186 or Walter.Cogswell@dpc.state.ny.us .

Lastly, I have been invited to attend the County Administrators Meeting, scheduled to be held in Syracuse on Friday, May 21, 2010, where I expect to provide more detailed information on the implementation of Leandra's Law and will be available to answer questions you may have. I look forward to meeting with you then.

Attachments

- 1) Ignition Interlock Regulations Text
- 2) Plan Document

cc: Mary Kavaney, Deputy Secretary
Stephen Acquario, NYSAC Executive Director
Probation Commissioners and Directors
Leandra's Law Workgroup Members