


**DPCA**



Implementing Leandra's Law in  
New York State

Lifesavers 2010 Philadelphia  
April 13, 2010

Robert M. Maccarone  
State Director

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Implementing Leandra's Law in New York State

- November 18, 2009—Governor David Paterson signs Chapter 496 of the Laws of 2009 :
  - Effective December 18, 2009-New Class E Felony Offense-Enhanced Penalties for Persons who Operate a Motor Vehicle while Intoxicated with a Child Less than 16 years of age. Also, enhances penalties for driver, while intoxicated, causes the death or serious physical injury to any such child (ren). Aggravated Vehicular Assault and Aggravated Vehicular Homicide are elevated to Class C and Class B Felonies with penalties of up to 15 and 25 years imprisonment, respectively.

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Implementing Leandra's Law in New York State

- August 15, 2010-Any person convicted of a VTL Misdemeanor or Felony Offense is required to have an Ignition Interlock Device to operate a Motor Vehicle (for vehicle (s)"owns or operates")—New York State joins 10 other states in implementing first offender legislation.
- Which agency leads? Who are the stakeholders?
- What is the plan for implementation?
- Identifying the major challenges?
- Greatest challenge is organization of various interests, constituencies, etc.

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Implementing Leandra's Law in New York State

- Which agency leads?
  - Chapter 496 of the Laws of 2009 "Directs the NYS Division of Probation and Correctional Alternatives (DPCA) to create, amend, and/or repeal any and all rules or regulations for the purpose of implementing this act on or before the effective date. Directs the Division to set rules and regulations for the efficient operation of this act"
- Who are the stakeholders?
  - Governor, Legislature, Judiciary and their Counsel
  - Prosecutors and Defense Counsel
  - Probation Departments and County Leadership (County Executives and County Legislatures)

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Implementing Leandra's Law in New York State

- Stakeholders (continued)
  - Law Enforcement-NYSP-New York State Police, Sheriffs, Police
  - Statewide Associations—NYSAC-New York State Association of Counties, STOP-DWI Coordinators Association, Drinking Driver Program Association, TASC Programs, Traffic Safety Programs, ITSMR-Institute for Traffic Safety Management and Research
  - State Agencies—DMV--Division of Motor Vehicles, OGS--Office of General Services, OSC--Comptroller, OAG--Attorney General, OASAS-Office of Alcoholism and Substance Abuse Services, Parole, DOCS--Department of Correctional Services, Budget
  - Ignition Interlock Device Manufacturers
  - Motor Vehicle Operators and the Public

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Implementing Leandra's Law in New York State

- What is the plan? How do we plan? Determine Metrics
  - 65,000 DWI arrests in New York State—25,000 convictions
  - Establish a workgroup
  - Identify the tasks and the detailed timeframes (sequence is important for implementation)
    - Regulations
    - Request for Applications
    - Contract Development and Execution
    - County Plans
    - Forms Development and Training

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Implementing Leandra's Law in New York State

- Promulgating Regulations
  - Understand the importance and authority of state regulations and the process for their promulgation
  - Draft Regulations—the “nitty gritty” work
  - Learn from other states—read everything
  - Promulgate Emergency Regulations (with input)
  - Seek Comments from all Stakeholders Regularly
    - March 8, 2010—Manufacturers Roundtable Meeting

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- Request for Applications
  - Request for Proposals v. Request for Applications  
(In NYS-Statewide Contract limited to NYS and its political subdivisions only)
  - Request for Applications to Ensure
    - service availability and delivery
    - compliance with regulations (DPCA and DOH)
    - intent to service regions within NYS
    - fee/charge structure
    - provision of IID's for operators unable to afford (NYS distinguishes legal indigency from unaffordability)

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Implementing Leandra's Law in New York State

- Contract Development and Execution
  - Ensures service
  - Enforces conditions
  - Establishes agreement among parties
  - Provides vehicle for new manufacturers and new devices/new technologies
  - Protects the State, Localities, Operators and Manufacturers
    - Manufacturers are partners-level playing field and consistency
    - States/Localities should drive competition to ensure best product and service at the best price
    - New York State develops classification system for instruments

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- County Plans
  - Counties must establish workgroups
  - Counties must designate monitoring agency for conditional discharge cases—default is to probation
  - Monitoring is a key component of successful state programs
  - Counties must establish local policies in conformity with state regulations and policies
  - Counties must develop equitable plan for manufacturers to provide IID’s to persons determined by the Courts to be unable to afford such

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Implementing Leandra’s Law in New York State

- Forms Development and Training
  - Recognize that regulations and forms drive the process
  - Commence forms development with internal group and then expand
- Training
  - Judiciary Training for Superior Court Judges (Summer Institutes) and Magistrates—Town and Village Justices (Annual Conferences), Webinars and OCA Broadcast
  - Training for law enforcement, prosecutors, probation, STOP-DWI and Drinking Driver Programs

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Implementing Leandra’s Law in New York State

- Community Education
  - NY State Police development 30 second spots for media
  - Press Conferences
  - Editorial Boards
  - Op Ed Columns
  - Etc.

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Implementing Leandra's Law in New York State

- Identifying the Major Challenges
  - Time
  - Organization
  - Process and Instruments for Ensuring Service (RFP/RFI/RFA)
  - Respect Existing Relationships (Probation and Manufacturers)
  - Drive competition to ensure product and price
  - Address "Unaffordability" and method of financing
  - Build Statewide Support and Consensus
  - LEAD

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Thank you.  
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