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March 2, 2015

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Honorable Andrew Cuomo
Governor
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

I write on behalf the District Attorneys Association of the State of New York in support of pending legislation redirecting the funds generated by DWI surcharges to the Special Traffic Options Program for Driving While Intoxicated (STOP-DWI).

New York State is a national leader in reducing impaired driving. That leadership has been greatly assisted by the state's Special Traffic Options Program for Driving While Intoxicated (STOP-DWI). This nationally-recognized Program was established in 1981 and is statutorily set forth in section 1197 of the Vehicle and Traffic Law. Since its inception, the likelihood of being involved in an alcohol or other drug-related crash has been reduced by more than 65%.

Unfortunately, the Program's financial viability has reached a crisis point. Simply put, revenue from convicted offenders has dropped precipitously. Indeed, over the past decade, both fine *imposition* and fine *collection* have substantially decreased. The decrease in funding adversely affects all New York counties and has devastated the programs in some. One of the leading causes in this revenue loss is the effect of additional layers of financial punishment, including special mandatory surcharges, which have been added to the penalties imposed by courts at the time of sentence. Judges throughout New York are reducing the size of fines in order to keep the overall financial penalty imposed on the offender, who must now pay additional surcharges, the same as it was prior to the creation of the new surcharges. Currently, those surcharges do not accrue to the benefit of the STOP-DWI Program. The unintended consequence of the reduction in fines endangers the future of the STOP-DWI Program. It is not in New York State's interest to allow this unique and lauded Program to collapse.

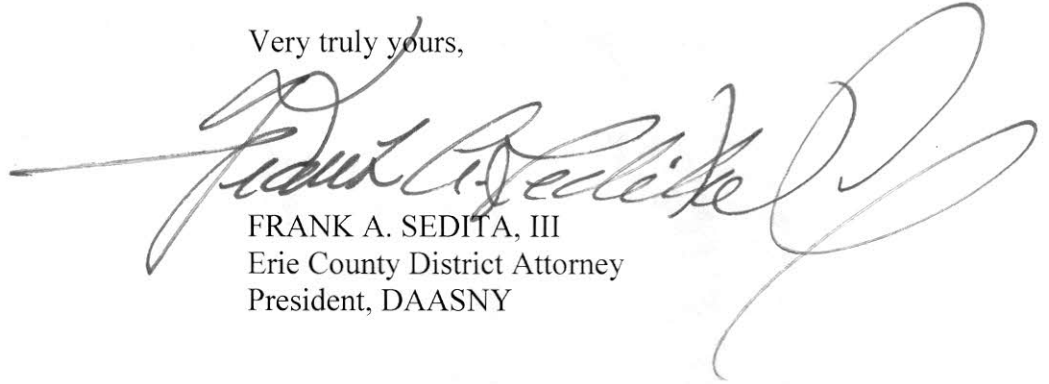
We have reason for optimism. There is proposed legislation that would transfer to the STOP-DWI Program the two surcharges that are imposed exclusively on Vehicle and Traffic Law (VTL) §1192 convictions (both of which were imposed for temporary budget relief; *see* VTL §§1809-c [\$25] and 1809-e [\$170]). This Legislation has passed the Senate the past six years. Additionally the Bill has just been introduced in the Assembly (Bills S1023 and A3432). The total financial burden on offenders will remain the same, but this small adjustment will help to restore the Program and the original intent of VTL §1197 – which was to place all of the fines collected from DWI offenders in the hands of the appropriate county STOP-DWI Program.

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The proposed legislation also provides for prospective funding of the mandatory monitoring of ignition interlock compliance under Leandra's Law when the federal grant of \$3M administered by the **New York State Governor's Traffic Safety Committee** expires. The goal of Leandra's Law is to substantially increase interlock installation; however, the current grant will not cover the expense of monitoring, and counties have already expressed concern about the program being an unfunded state mandate. The projected restoration of revenue provided to the STOP-DWI Program (approximately \$6.8M) would be coupled with the fiscal responsibility for monitoring under Leandra's Law. That will protect the counties from the loss of the federal grant and would guarantee a measure of fiscal stability.

As a national leader in highway safety, you know the importance of preserving this landmark, local-option approach to reducing the incidence of drunk and drugged driving. We respectfully request that you lead the effort to save this nationally recognized Program and support the legislation including the transfer of these surcharges in your FY 2015-2016 Executive Budget proposal.

Very truly yours,

A large, stylized handwritten signature in black ink, which appears to read "Frank A. Sedita, III". The signature is written in a cursive, flowing style with large loops and flourishes.

FRANK A. SEDITA, III
Erie County District Attorney
President, DAASNY

FAS/dms