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DIVISION OF CRIMINAL JUSTICE SERVICES  
OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES  
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**STATE DIRECTOR'S MEMORANDUM #2010-13**

TO: County Executives/Administrators  
Probation Directors/Commissioners  
District Attorneys  
Administrative Judges

FROM: Robert M. Maccarone, Deputy Commissioner and Director

DATE: November 1, 2010

SUBJECT: New Part 358 of Title 9 NYCRR Handling of Ignition Interlock Cases Involving Certain Criminal Offenders

I am pleased to advise you that the Handling of Ignition Interlock Cases Involving Certain Criminal Offenders Rule (Part 358 of Title 9 NYCRR) has been formally adopted and will become effective on November 3, 2010. Attached is a copy for your information. As you are aware Chapter 496 of the Laws of 2009, commonly referred to as Leandra's Law, was signed into law by Governor David A. Paterson on November 18, 2009. This important Driving While Intoxicated (DWI) legislation strengthened penalties for those who endanger children while driving under the influence of alcohol and established a mandatory "first offender" ignition interlock program. Specific statutory language required the then Division of Probation and Correctional Alternatives, now an Office within the Division of Criminal Justice Services, to promulgate specific rules and regulations governing ignition interlock programming services with respect to monitoring standards related to such devices to ensure successful statewide implementation.

This rule was promulgated as an emergency rule on April 23, 2010, and most recently on September 7, 2010; it was finally adopted on October 19, 2010 to become effective on November 3, 2010. The new rule reflects the expertise and guidance of representatives from local Probation Departments, District Attorney Offices, Defense Counsel, the Office of Court Administration, the Department of Motor Vehicles, the Governor's Traffic Safety Committee, the STOP DWI programs, the Institute of Traffic Safety Management and Research, the Division of Criminal Justice Services, and ignition interlock manufacturers, among others. This rule incorporates numerous suggestions to strengthen its content, provide flexibility where feasible without compromising ignition interlock performance or public safety, and reflects many other recommendations to minimize impact, clarify the law, and achieve sound workable provisions.

I gratefully acknowledge the assistance of so many state and local officials and business professionals for their contributions in assisting with the development of this important regulation with the goal of improving safety on our highways.

Attachment – IID Rule Part 358