



NEW YORK STATE SENATOR
Stephen M. Saland

Senate Passes Legislation to Create Felony Charges for Wrong-Way and Reckless Drivers

STEPHEN M. SALAND January 22, 2012

| ISSUE: **GENERAL**

The New York State Senate today passed legislation, sponsored by Senator Charles J. Fuschillo, Jr. (R-Merrick), to create felony charges for wrong-way and other reckless drivers.

"Wrong-way drivers have caused tragedies and endangered lives on our roadways; it has to stop. Creating felony charges for wrong-way and reckless drivers will give law enforcement another tool to prosecute these individuals and get them off the roads," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

"Every driver has the responsibility to operate a vehicle in a safe and unimpaired manner for their own safety and the safety of others," Senate Majority Leader Dean Skelos said. "This bill would help make sure law enforcement has the appropriate tools to prosecute and hold drivers accountable for reckless actions when they knowingly jeopardize public safety."

The legislation is in response to the significant number of arrests and car crashes which involved individuals who drove the wrong way while under the influence. At least 27 wrong way driving crashes and arrests occurred on Long Island alone since November 15, 2010 when off-duty NYPD Officer Andre Menzies was killed by an accused wrong-way drunk driver on the Northern State Parkway. Wrong-way driving crashes have also occurred in New Rochelle and in Westchester County.

"The danger posed by wrong-way drivers is too serious to ignore, and this legislation provides an additional deterrent to those who put lives in danger when they act recklessly behind the wheel," said Nassau County District Attorney Kathleen Rice. "This bill will help law

enforcement make our roads safer and I strongly encourage the Assembly to pass it."

The legislation (S3452) would establish a new crime of aggravated reckless driving, which would apply to:

- Drivers who drive the wrong way, against the flow of traffic, either knowingly or because they are intoxicated;
- Drivers who drive more than 30 miles an hour over the speed limit while intoxicated or impaired;
- Drivers who drive more than 30 miles an hour over the speed limit while racing, pursuing other vehicles, or excessively weaving in and out of traffic.

Aggravated reckless driving would be a class E felony, punishable by a prison sentence of up to four years.

In addition, the legislation would raise the penalty for reckless driving to a class A misdemeanor, punishable by a prison sentence of up to one year. Reckless driving is currently an unclassified misdemeanor and carries a maximum prison sentence of up to 30 days.

The legislation has been sent to the Assembly.