



NEW YORK STATE SENATOR

Joseph E. Robach

## Senate Passes Bill Requiring Blood Testing After Deadly Accidents

JOSEPH E. ROBACH May 5, 2014

| ISSUE: **TRANSPORTATION, CONTROLLED SUBSTANCES, DRUNK DRIVING, CRIMINAL**  
| COMMITTEE: **TRANSPORTATION**

### SENATE PASSES BILL REQUIRING BLOOD TESTING AFTER DEADLY ACCIDENTS

#### Faster Field and Blood Alcohol Level Testing Would Strengthen Investigations of Serious Accidents

The New York State Senate today passed a bill to help police investigate deadly automobile accidents where alcohol may be a factor. The bill ([S3769](#)), sponsored by Senator Joseph Robach (R-C-I, Rochester), would require law enforcement officers to conduct field tests and test blood alcohol levels of all drivers involved in auto accidents where serious physical injury or death occur.

“We need to hold drunk drivers responsible for the tragic consequences of their actions,” Senator Robach, Chairman of the Senate Transportation Committee, said. “This bill will help collect crucial information from all drivers following a serious accident to help bring drunk drivers to justice and provide answers for victims and their families.”

Field tests and blood alcohol level tests are a critical piece of evidence used in a trial to prosecute drunk drivers for their crimes. Under current law, if a driver does not display signs that would lead an investigator to conclude alcohol may be involved in a crash, the driver is not compelled to be tested. Also, law enforcement must obtain a court order to test drivers who refuse to submit to chemical tests when someone has been killed or seriously injured. This enables some intoxicated drivers to avoid prosecution for DWI.

The bill passed today would give law enforcement the ability to require all drivers to submit to field sobriety tests and blood alcohol level tests at the scene or in the hospital when there is a serious injury or death. The tests can be used to determine if intoxication was a factor in the crash and identify the driver that was responsible. Refusal by a driver to consent to the tests would be treated as a presumption of guilt and made part of the police report that can be used at trial.

The bill has been sent to the Assembly.