



NEW YORK STATE SENATOR
John J. Flanagan

Senate Passes Bills To Strengthen Laws For Reckless And Irresponsible Driving

JOHN J. FLANAGAN May 12, 2015

| ISSUE: **HIGHWAYS**



The New York State Senate today passed four measures that would keep our roads safe by holding drivers accountable for reckless and irresponsible actions. The legislation would increase or create new penalties for repeat DWI offenders, those who drive at high speeds, and individuals who cause a death while driving without a valid license.

Senate Majority Leader John Flanagan (R-C-I, East Northport) said, “These bills would deter drivers from engaging in dangerous situations that put lives at risk. Whether you’re driving drunk, without a valid license, or at high speeds, you’re taking an irresponsible action that has the potential to cause harm to yourself and others. Today’s measures are important steps toward ensuring that the penalties match the gravity of these crimes.”

A bill (S4220) sponsored by Senator Flanagan would require mandatory jail sentences for repeat DWI offenders. Current law does not require drivers previously convicted of a DWI to spend any time in jail. Individuals convicted of two or more DWI offenses within a five or 10 year period face

jail time or a fine. However, since jail time is not mandatory, judges have the discretion to sentence these offenders to only a fine or a fine and community service.

Under the proposed measure, drunk drivers would be required to serve a minimum of 30 days in jail for their second DWI conviction in 10 years, and a minimum of 90 days in jail if they are convicted of three or more DWI offenses within 10 years. In addition, drivers convicted of their second aggravated DWI in 10 years would face a mandatory 180-day sentence, and drivers convicted of three or more aggravated DWIs would be sentenced to jail for a minimum of one year. These sentences would be in addition to any other penalties imposed by the courts.

The Senate also passed legislation to strengthen penalties against unlicensed drivers involved in car accidents resulting in someone's death. The bill (S1600), sponsored by Senator John Bonacic (R-C-I, Mount Hope), would give prosecutors broader discretion to seek a prison term by making it a class E felony to negligently cause the death of another person while operating a vehicle with a suspended or revoked license.

Senator Bonacic said, "When a driver with a suspended license kills another person, he or she must be held accountable for their actions. Those who drive without valid licenses should not be on the road, and when they kill an innocent person they cannot walk away with only a slap on the wrist."

In addition, the Senate passed legislation (S3732) sponsored by Senator Andrew Lanza (R-C-I, Staten Island) to reduce high-speed vehicle fatalities in New York. Under "Michelle and Jordan's Law," a second conviction for engaging in an unlawful speed contest or race within 12 months would result in a class E felony, punishable by up to one year in prison. The bill is named after five-year-old Jordan McLean and 17-year-old Michelle Arout, both of whom were killed in a car accident while racing at high speed.

Senator Lanza said, "Cars which are driven by reckless or inexperienced drivers all too often become deadly weapons. Sadly, statistics prove that too many young drivers lose their lives on our roads every year. This bill will protect and save the lives of our young drivers, their friends, and the innocent bystanders who are often harmed or even killed by unlawful high-speed car racing."

The Senate also approved a measure (S2976) sponsored by Senator Robert Ortt (R-C-I, North Tonawanda) to close a legal loophole that lets intoxicated supervising drivers escape punishment. "Abbagail's Law" increases the penalties against individuals who are under the influence of drugs or alcohol while also supervising drivers with junior licenses or learner's permits. Abbagail Buzard was tragically killed in a car accident when a teenager with a learner's permit was operating the vehicle under the supervision of Abbagail's intoxicated father.

Senator Ortt said, "After hearing the tragic story about Abbagail, it's hard to imagine why this common-sense legislation has been held up in the Assembly for years. How many more individuals are we going to let off the hook for being under the influence while supervising an inexperienced driver because of a technicality? Too many lives have been cut short, because of the reckless decisions and actions of intoxicated drivers. An impaired supervisor who lets someone operate a vehicle with a learner's permit is no different. Abbagail's Law would close a dangerous loophole and hold a fully licensed individual accountable."

The bills have been sent to the Assembly.