



NEW YORK STATE SENATOR

William Larkin

## **Larkin Announces Two New Laws To Protect The Safety And Security Of All New Yorkers; Assist Law Enforcement**

William J. Larkin Jr.

October 30, 2006

Senator Bill Larkin (R-C, Cornwall-on-Hudson) today announced that the Governor has signed two important public safety bills into law. The "Bill Leaf-Brandi Woods Law" increases the punishment for repeat offenders of DWI laws who cause injury or death to others through their offenses. The "Trooper Craig Todeschini Law" creates a new crime for refusing to obey a police officer's directions to stop by recklessly fleeing in a motor vehicle and causing an injury or death to another person.

"For someone to get behind the wheel of a car when they are impaired because of their own actions, is completely unacceptable," said Senator Larkin. "This new law will especially punish people who commit this crime over and over and over again. It will send a strong message that we will not tolerate drivers who place their lives, and the lives of innocent bystanders, at risk."

Commenting on the Trooper Craig Todeschini Law, Senator Larkin said, "Sixteen other states have felony pursuit laws on the books to protect people from dangerous high speed chases. I am very pleased that New York has now done the same. Our police officers and troopers put their lives on the line every day. Irresponsible individuals, like the motorcyclist who caused the untimely death of trooper Craig Todeschini, must be punished for their selfish behavior. This new law will protect police officers doing their jobs as well as other innocent motorists and pedestrians by punishing drivers who flee the police."

Brandi Woods, whom the law is partly named after, was a 15-year-old student from Memphis, New York, who was tragically killed while delivering Girl Scout cookies on March 17, 2005 by a drunk driver with three prior DWI arrests. The man responsible received a sentence of only one to three years in state prison. Bill Leaf, a 25-year-old reporter for Syracuse radio station WSYR, was killed by a drunk driver on January 8, 2006. The drunk driver who killed Bill Leaf had a history of driving while intoxicated.

The Leaf-Brandi Woods Law amends the Penal Law by adding new provisions to the crimes of Vehicular Assault in the First Degree and Vehicular Manslaughter in the First Degree, thereby increasing the penalties for certain vehicular crimes committed by persons who have previously been convicted of an alcohol or drug related driving while intoxicated or impaired charge within the previous ten years. The law provides for enhanced felony-level punishment for those repeat offenders of the laws governing driving while intoxicated or ability impaired who, by their actions, cause serious physical injury or death to others. The law also states that a person is guilty of vehicular manslaughter in the first degree when he or she causes the death of another person while operating a motor vehicle under the influence of alcohol or drugs and has previously been convicted of any of the provisions of section 1192 of the vehicle and traffic law within the previous ten years. Under the law in effect previously, such acts would only have been punishable as lesser (Second Degree) crimes; the offender's prior convictions would not have served to increase the felony level of offenses.

The "Trooper Craig Todeschini Law" criminalizes the conduct of refusing to obey direction to stop by police and recklessly fleeing in a motor vehicle with action resulting in injury or death to another. The law is named after NYS Trooper Craig Todeschini, who was killed when a motorcyclist allegedly failed to obey Trooper Todeschini's directive to stop, which resulted in a high speed chase, in April of 2006. The new crimes are fleeing a police officer in the first, second and third degrees as D

felony, E felony and A misdemeanor respectively. The "Trooper Craig Todeschini Law" will ensure that those who choose to endanger the public and police by fleeing a police officer and ignoring traffic laws while in an automobile, are held accountable for putting the public, and law enforcement officers, in danger.

Both of these new laws take affect November 1, 2006.