



NEW YORK STATE SENATOR

William Larkin

Senate Passes Legislation To Charge Drunk Drivers Who Kill With Homicide

[WILLIAM J. LARKIN JR.](#) June 7, 2007

The New York State Senate has passed legislation (S.5517), cosponsored by Senator Bill Larkin (R-C, Cornwall-on-Hudson) that would create the new charge of aggravated vehicular homicide for drunk drivers who kill someone.

The legislation was inspired by the tragic story and loss of seven-year-old Katie Flynn and 59-year-old Stanley Rabinowitz.

On July 2, 2005, the Flynn family was riding home from a family member's wedding on Long Island in a limousine when they were hit head-on by 24-year-old Martin Heidgen, a drunk driver who was driving on the wrong side of the Meadowbrook Parkway. The crash killed both Katie and limo driver Stanley Rabinowitz.

"There are enough regular hazards on the road in day-to day driving," said Senator Larkin. "But when you make that decision to get behind the wheel of a car when you are impaired, then you become the hazard and you should face the utmost consequences for that. The most frustrating part of dealing with DWI's is knowing that these tragedies are completely preventable. The unnecessary deaths of Katie Flynn, Mr. Rabinowitz, and so many others wasn't an 'accident.' It was murder. This legislation will send a strong message that we will not tolerate drunk drivers who take the lives of innocent people."

The bill would strengthen state law by creating the new crime of aggravated vehicular homicide, a class B felony with a penalty of up to 25 years in prison. This crime would apply to criminals who kill someone in a drunk or drugged driving crash and also have at least one of the following:

- > BAC of .18 or higher;
- > prior DWI conviction within the last 10 years;
- > crash caused the death of more than one person;
- > crash killed one person and severely injures another;
- > offender was driving with a suspended or revoked license from any state.

The legislation also creates the new crime of aggravated vehicular assault, a class C felony with a penalty of up to 15 years in prison. This crime would apply to drunk or drugged drivers who cause serious physical injury to another person and also have at least one of the following:

- > BAC of .18 or higher;
- > prior DWI conviction within the last 10 years;
- > crash caused serious injury to more than one person;
- > offender was driving with a suspended or revoked license from any state.

In addition, the Senate passed two other DWI bills that would:

- > increase penalties for criminal convictions of drunk or drugged driving where a child, under the age of 17, is a passenger (S.5315); and

- > expand and strengthen New York State's ignition interlock program for DWI offenders (S.5780).

The bills were sent to the Assembly.

The Senate is also expected to act in the near future on legislation that would:

- > allow AMTs and EMTs to draw blood from a suspected drunk driver without a physician being present (S.5974), and

- > establish a 24/7 sobriety pilot program in ten counties (S.4304-B)