



NEW YORK STATE SENATOR

Owen H. Johnson

Senator Johnson Acts To Crack Down On Drunk Drivers

OWEN H. JOHNSON June 20, 2007

| ISSUE: **HIGHWAYS**

State Senator Owen H. Johnson (4th Senate District, Babylon), Chairman of the Finance Committee, announced agreement on legislation he is cosponsoring in the Senate (S.5517A) to crack down on drunk drivers by creating the new charge of aggravated vehicular homicide for drunk drivers who kill others and aggravated vehicular assault for drunk drivers who injure other people.

"Drunk driving is a serious crime. When someone is killed or injured a result of a person's conscious choice to drive drunk, our prosecutors need to be able to charge them appropriately," said Senator Johnson.

Senator Johnson explained that Jennifer and Neil Flynn of Long Beach, Long Island and Nassau County District Attorney Kathleen Rice lobbied extensively for this legislation. The Flynn's daughter, Katie, was killed on July 2, 2005 when their vehicle was hit head on by a head-on by 24-year-old Martin Heidgen, a drunk driver who was driving on the wrong side of the Meadowbrook Parkway on Long Island. The 59-year old limo driver Stanley Rabinowitz was also killed.

The new law would create 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.

The Senate and the Assembly are expected to approve the legislation this week and Governor Spitzer has said that he will sign the bill into law.