



NEW YORK STATE SENATOR

Kenneth P. LaValle

Senate Passes Measure to Close Loophole in Dwi Laws

Kenneth P. LaValle

March 4, 2010

ISSUE:

- [Drunk Driving](#)



Senator Kenneth P. LaValle today announced that the Senate unanimously passed a measure that would close a loophole in the state's DWI laws that has allowed drunk drivers to escape justice, even if an innocent person was killed. "Jack Shea's Law" would permit certain medical personnel to draw blood to determine alcohol content without a doctor present.

The bill was named for Jack Shea, a 91-year-old patriarch of a three-generation Olympic family. He was killed by a drunk driver whose blood alcohol content measured .15. Despite that fact, the driver escaped prosecution because the judge ruled that the blood alcohol test was not legally administered as the blood was drawn by a medical technician who was not supervised by a physician.

"It is critical to the safety of motorists that we do our best to ensure that those who would endanger the lives of others are kept off the road," said Senator LaValle. "This measure would protect the public from drunk drivers by giving law enforcement the evidence it needs to effectively prosecute those charged with driving while intoxicated or doing drugs."

Current law restricts trained medical personnel, such as advanced EMTs, phlebotomists, nurse practitioners, and LPNs, from drawing blood to determine alcohol or drug content without having a physician present. "Jack Shea's Law" establishes a list of medical personnel authorized to withdraw blood and eliminates this unnecessary restriction in the law. This measure is supported by the District Attorney's Association of New York.

"We need to continually strengthen New York's DWI laws to help make our roadways safer and ensure that drunk drivers are held responsible for their careless actions," concluded Senator LaValle.