



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Passes Fuschillo Bill Creating Felony Charges for Wrong-Way and Reckless Drivers

CHARLES J. FUSCHILLO JR. March 29, 2011

| ISSUE: **DRUNK DRIVING**

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the New York State Senate has passed legislation he sponsors to create felony charges for wrong-way and other reckless drivers.

The legislation is in response to the significant number of arrests and car crashes which involved individuals who drove the wrong way while under the influence of alcohol. At least 20 such incidents occurred on Long Island alone since last November 15th, when off-duty NYPD Officer Andre Menzies was killed by an accused wrong-way drunk driver on the Northern State Parkway.

“Wrong-way drivers and other reckless drivers repeatedly put lives at risk, and in some cases have caused tragedies. Law enforcement needs stronger tools to prosecute wrong-way and other reckless drivers and get them off the roads. I am pleased that the Senate has approved this legislation and am hopeful that the Assembly will soon join us in passing it,” said Senator Fuschillo.

Nassau County District Attorney Kathleen Rice, who worked jointly with Senator Fuschillo in drafting the legislation, said “Senator Fuschillo has once again demonstrated his leadership in the area of vehicular crimes, and today’s actions by the State Senate are proof that New York will continue to lead the nation in the fight against reckless driving. Wrong-way incidents have claimed too many lives for this violation to be ignored any longer, and I applaud Senator Fuschillo and the entire Senate for today’s vote.”

The legislation (S3452) establishes a new crime of aggravated reckless driving, which would apply to:

- * Drivers who drive down the roads the wrong way, against the flow of traffic, either knowingly or because they are intoxicated;
- * Drivers who drive more than 30 miles an hour over the speed limit while intoxicated or impaired;
- * Drivers who drive more than 30 miles an hour over the speed limit while racing, pursuing other vehicles, or excessively weaving in and out of traffic.

Aggravated reckless driving would be a class E felony, punishable by a prison sentence of up to four years.

In addition, the legislation would raise the penalty for reckless driving to a class A misdemeanor, punishable by a prison sentence of up to one year. Reckless driving is currently an unclassified misdemeanor and carries a maximum prison sentence of up to 30 days.

The legislation has been sent to the Assembly for consideration.

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