



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes 'Tiffany's Law'

JACK M. MARTINS February 16, 2012

| ISSUE: **DRUNK DRIVING**

With the support of Senator Jack M. Martins, the New York State Senate passed “Tiffany’s Law” (S.2860A) that requires all prior convictions of operating a vehicle while intoxicated, whether it be an automobile (DWI), snowmobile (SWI), or all-terrain vehicle, be considered during sentencing of a subsequent Boating While Intoxicated (BWI) conviction. In turn, any person convicted of BWI would have that charge considered during any subsequent DWI, SWI or ATV offense.

The legislation is named after Tiffany Heitkamp, a young Syracuse-area woman who was killed in 2006 while riding in a boat being operated by an intoxicated driver. The driver of the boat had a record of alcohol-related automobile incidents, but because there is no link between DWIs, BWIs and SWIs, he could only be charged as if this was his first offense.

“It shouldn’t matter if we’re talking about a boat, snowmobile, all-terrain vehicle, or automobile, when there is drinking involved, each becomes a deadly weapon. If an individual makes the reckless and irresponsible decision of drinking and operating a vehicle, they should pay the penalties and those penalties should increase if there are prior convictions, no matter what vehicle was being operated.”

Under current law, repeat DWI, BWI, or SWI offenders are subject to increased penalties, including license revocation, fines, and incarceration. However, because there is no current link between these offenses, it is possible to be convicted in separate cases of DWI, BWI, SWI, or operating an ATV while intoxicated and be treated as a first time offender in each instance.

The bill was sent to the Assembly.