



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Supports “Tiffany’s Law” to Ensure Repeat Alcohol Offenders Face Appropriate Penalties

CHARLES J. FUSCHILLO JR. February 24, 2012

| ISSUE: **DRUNK DRIVING**

Legislation Would, For the First Time, Link Convictions for Operating Different Vehicles While Intoxicated

Senator Charles J. Fuschillo, Jr. (R-Merrick) recently voted in favor of “Tiffany’s Law,” which would ensure that individuals with prior convictions of operating a motor vehicle while intoxicated are treated as repeat offenders, regardless of the vehicle type. The legislation was recently passed by the New York State Senate.

“Drunk drivers endanger other people’s lives and safety, no matter what type of motor vehicle they operate. They shouldn’t be able to escape prosecution as a repeat offender just because they operated two different types of motor vehicles. This legislation would ensure that someone previously convicted of operating any type of motor vehicle while intoxicated is treated as a repeat offender if they commit another alcohol offense,” said Senator Fuschillo, Chairman of the Senate’s Transportation Committee.

Under current law, repeat driving while intoxicated (DWI), boating while intoxicated (BWI), or snowmobiling while intoxicated (SWI) offenders are subject to increased penalties, including license revocation, fines, and incarceration. However, these offenses are unlinked, meaning it is possible to be convicted in separate cases of DWI, BWI, or SWI and be treated as

a first time offender in each instance.

As an example, someone convicted of a DWI offense with prior BWI or SWI convictions is still treated as a first-time offender under current law, even though they have a history of alcohol-related motor vehicle crimes. As a result, they are exempt from the higher penalties given to repeat offenders.

The legislation passed by the Senate would link DWI, BWI, and SWI offenses together when determining whether an individual is a repeat offender. This will help ensure that offenders with prior alcohol convictions face the appropriate penalties.

The legislation (S2860A) 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.

The bill was sent to the Assembly.