



NEW YORK STATE SENATOR

Diane J. Savino

Savino Passes Important Worker Safety Legislation Work Zone Safety Legislation Passes Senate

DIANE J. SAVINO May 9, 2012

| ISSUE: **LEGISLATURE**

News from Senator Diane Savino Serving Staten Island/ Brooklyn

For Immediate Release: May 9, 2012

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Albany- State Senator Diane J. Savino's (D-I-WF North Shore/South Brooklyn) bill establishes the crimes of vehicular assault and vehicular manslaughter in an active work zone and intrusion into an active work zone. This bill passed the Senate yesterday.

"Driving in Brooklyn can be precarious if you are in a car, imagine if you were just working in a work zone." Savino continued, "Men and women working to improve our streets and highways are fathers and mothers they are sisters and brothers, they have a right to feel safe at work and go home every night without constant fear of death by a reckless driver."

This bill amends the Vehicle and Traffic Law by defining the new crime of intrusion into an active work zone as a class B misdemeanor which will subject offenders to not less than \$250 not more than \$500 fine and/or a maximum sentence of three months imprisonment. The

bill also amends, the Penal Law by creating the new crimes of vehicular manslaughter in an active work zone in the first degree (a class B felony offense), vehicular manslaughter in an active work zone in the second degree (a class C felony offense), vehicular assault in a work zone in the first degree (a class D felony) and vehicular assault in a work zone in the second degree (a class E felony).

The average number of work zone fatalities nationally between 2002 and 2007 was 1,011 per year. In 2005, within New York State, 605 crashes occurred in work zones established by the State Department of Transportation (State DOT). Of these, 17 people were killed (all drivers), and 220 were injured, of which 18 were State DOT workers. In 2006, vehicle intrusions into State DOT work zones resulted in 139 injuries and seven fatalities. In 2007, 11 people were killed in work zones within New York State.

Currently, there are no penalties for intrusions into work zones which do not cause injury or death, this legislation fixes that problem. City DOT experiences approximately two intrusions per month within New York City. This proposed new crime will deter such intrusions and will provide penalties for drivers who intrude into work zones despite signs or the presence of flag persons and other traffic control devices.

Golden/Savino Extend Protection to Social Workers and Prison Workers

A bipartisan contingent of legislators from both houses spoke in favor of a bill that equates attacking a social worker or a prison guard with assault on a police officer.

The bill, S.641-b/A.4672-b, sponsored by Sen. Martin J. Golden, R-Brooklyn, and Assemblyman Peter M. Rivera, D-Bronx, would change the penalty for attacking a social worker or corrections officer to a second-degree assault charge. The bill would also punish anyone for the same assault charge if an animal under their control attacks a social worker or prison

guard.

Second-degree assault is a class D felony in New York, punishable by up to seven years in prison. The bill passed the Senate 58-1 and has been referred to the Assembly Codes Committee. Versions of the bill have been introduced since 2007.

14 percent of social workers in New York experienced some form of assault in the past year, while 30 percent experienced assault at some point during their career. Assaults on social services employees rose 10 percent last year, totaling 61 different employees.

Sen. Diane J. Savino, D-South Brooklyn, a sponsor of the bill, said when her mother found out she was going to be a caseworker instead of a police officer, she said, "Oh my God, that's worse." Savino said her mother was a 911 operator at the time and was familiar with social work. "She was horrified," Savino recalls. The senator said the risk social workers face has not changed since she started working in the field 22 years ago. Savino has served as the vice president of political action and legislative affairs at Social Service Employees Union Local 371.