



NEW YORK STATE SENATOR

Patrick M. Gallivan

"Alix's Law" Creates New Crime Of Leaving An Accident Scene While Intoxicated

PATRICK M. GALLIVAN June 11, 2012

| ISSUE: **CODES, CRIME, ALCOHOL, VICTIMS, DRUGS**

Senator Patrick M. Gallivan (R,C,I – 59th District) introduced legislation ([S.7577](#)) Tuesday to make leaving the scene of a car accident while under the influence of drugs or alcohol a specific offense under New York State vehicle and traffic safety law. Current law merely holds that a driver must knowingly, or have cause to know, that they caused personal injury or property damage to be guilty of leaving the scene of an accident without reporting it.

“Intoxicated drivers are arguably the most likely to flee the scene of an accident to avoid being caught driving under the influence, and due to their intoxication and diminished awareness, they are also the least likely to know if they have struck an object or a person,” said Senator Gallivan.

This has been tragically evidenced by two recent hit-and-run deaths in Western New York. Teenagers Alix Rice and Bryce Buchholz were both struck and killed by intoxicated drivers who sped away. In the case of Alix Rice, the defendant argued that he was not aware he had hit a person and his defense team was successful in getting him acquitted on the Felony charge of leaving the scene of an accident. Meanwhile, the defendant was convicted of operating the vehicle while under the influence of alcohol.

“Prosecutors should not be forced to prove a driver’s knowledge of causing an accident, if that driver is already breaking the law by driving while intoxicated,” Senator Gallivan said. “This law modifies the prosecutorial burden so that if the driver was proved to be intoxicated while leaving the scene of an accident, they are presumed guilty of leaving the scene, whether or not the prosecution can establish the driver knew they had hit something or someone.”

[\(READ THE BILL TEXT HERE\)](#)