



NEW YORK STATE SENATOR

Lee M. Zeldin

State Legislators Co-Sponsor Bill Increasing Hit and Run Penalties

LEE M. ZELDIN January 18, 2013

| ISSUE: **CRIME, DRUNK DRIVING, DMV (DEPARTMENT OF MOTOR VEHICLES), COURTS, CRIMINAL**

Senator Lee Zeldin (R-C-I, Shirley), Senator Ken LaValle (R-C-I, Port Jefferson), Senator Charles J. Fuschillo, Jr. (R Merrick), Assemblyman Ed Hennessey (D, Medford) and Assemblyman Fred Thiele (I, Sag Harbor) announced today that they are cosponsoring legislation that would increase the penalties for leaving the scene of a hit-and-run accident. The bill was introduced this morning in the State Senate (S.2503).

This action comes in the wake of the tragic hit and run death of Erika Hughes, a 24-year-old Mastic resident and mother of a 15-month-old girl. Unfortunately, Hughes' killer only received a sentence of 1 1/3 to 4 years in prison. Among other provisions, this legislation would change the crime of a fatal hit and run from a Class D Felony to a Class C Felony which increases prison time to a maximum of fifteen years. The prime sponsor of the legislation, passed by the Senate last year, is Senator Martin Golden (R-C-I, Brooklyn). Under this bill, the punishment for other types of hit and run offenses will also be upgraded.

Drivers under the influence of drugs or alcohol can actually receive less of a punishment if they flee the scene of an accident. For example, in the case of a first-time offender, a driver who wrongfully flees the scene of an accident where a personal injury has occurred can only be charged with a Class A Misdemeanor which carries a maximum penalty of only 1 year in jail. However, if the driver remains at the scene and is found to be intoxicated or impaired by drugs, he or she can be immediately charged with a Class E felony which carries a maximum penalty of four years of imprisonment. Therefore, the incentive for a drunk or impaired driver to flee the scene of a hit and run accident is greater.

Senator Zeldin said, "When vehicular accidents occur, most people are responsible enough to stop and wait for law enforcement to arrive. It is tragically disturbing that in some cases, drivers would leave a victim like Erika to die on the road. For those cowards who lack the basic human decency to stop, render assistance and account for their actions, the law should more appropriately reflect the seriousness of this crime. New York's penalties for drunk

driving, for example, are far more severe than the relatively light penalties for hit-and-run. The law actually makes it appear wiser to some drivers under the influence of drugs or alcohol to flee the scene. Sadly, victims and families who experience these thoughtless hit-and-run tragedies are forever impacted. Some will suffer devastating permanent injuries. Others will never survive. We must take immediate action to change the law and make the penalty fit the crime."

"I have heard and read about too many instances in which individuals have been killed by hit-and-run drivers and it is later determined that the driver was intoxicated," Senator LaValle said. "This bill, rightfully, closes loopholes in the current law."

Original author of this legislation, Senator Golden, stated, "I thank my colleagues for their support of this legislation which has the potential to decrease the number of incidents where motorists just keep going after hitting a pedestrian. In my district and throughout the State, families have been destroyed by such a disregard for human life. I believe that there are instances where, if the driver stopped at the scene and called for help, the victim may have had a chance to survive. This legislation will make our roads safer and save lives, and this year, this bill should become law."

"Our community was shaken by the death of Erika Hughes, a young Mastic mother who was killed by a hit-and-run driver," said Assemblyman Hennessey. "And as was made apparent by the sentencing of the perpetrator at Suffolk County Court in Riverhead, current law does not properly hold people accountable for leaving the scene of an accident. We've got to send a clear message that when you leave the scene of an accident, you are leaving the scene of a crime. One of my priorities in the Assembly is to push for tougher penalties in cases like this, which is what this bill does. Our laws must reflect the severity of the crime, particularly when a life is taken. The minimum and maximum sentences available to a judge should be double what is currently provided for under the law."

Assemblyman Thiele said, "The circumstances resulting in the "hit and run" death of Erika Hughes of Mastic have happened too many times for too many years across the State of New York. There must be both certain and proportional punishment for those convicted of causing death in a "hit and run" accident. There should not even be a perception that there is an incentive for a drunk or impaired driver to leave the scene of an accident because the penalty for drunk driving is greater than leaving the scene of an accident. This legislation will result in the proportionality of the penalty and insure that those drivers who abandon an accident victim on the side of the road are not benefitted with a lower sentence. The State Legislature must act immediately on this common sense proposal."

Suffolk County District Attorney Thomas Spota said, "This is great news for law enforcement. This legislation is a great start to rectify the disparity of penalties for drivers who remain at the scene after causing an accident and drivers who flee."

Suffolk County Legislator, Kate Browning (WFP- Shirley), said, "It is currently beneficial for a driver, and more importantly drunk drivers, to flee the scene of an accident to avoid tougher sentences. This also leaves victims at further risk of injury or death because a driver that stops may save someone's life. The slap on the wrist for Erika Hughes's killer has brought greater attention to this injustice and we must act. That is why I asked our state officials in December to right this wrong, and I will be meeting today with District Attorney Thomas Spota and the Hughes family today to discuss what other changes the state can pursue. I thank Senator Zeldin and the State Legislature for responding quickly and working together to correct our defective laws."

"It is almost unimaginable that in a civilized society a motorist would leave the scene of an accident after striking a pedestrian or cyclist," commented Brookhaven Town Councilman Dan Panico. "What is even more unimaginable is that drunken drivers who commit such crimes would have a legal loophole that makes fleeing the scene of the accident more advantageous with regard to minimum penalties set in the law. Locally, the recent tragedy involving the loss of 24-year-old Erika Hughes sadly exemplifies the need for such a change in NYS law. For had she received medical attention immediately, she might very well still be here today."