



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo: Stronger Penalties for Hit & Run Drivers Approved by Senate Transportation Committee

CHARLES J. FUSCHILLO JR. February 1, 2013

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Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that legislation he is sponsoring to raise penalties for drivers who leave the scene of an accident which causes injury or death has been approved by the Senate's Transportation Committee.

Under current law, drivers who leave the scene of an accident and are caught later on often face lesser penalties than they would if they were caught at the scene, especially if they were driving under the influence. As an example, a driver who leaves the scene of an accident which involved serious physical injury faces a class "E" felony charge, which carries a penalty of up to four years in jail. However, had the driver stayed at the scene of the accident, they could face a class "D" felony, which carries a penalty of up to seven years in jail. This disparity encourages drivers to flee from the accident scene rather than stay and get help for their victim.

"Right now, drivers who kill or seriously injure someone can actually receive a legal benefit for fleeing the crash scene instead of staying and helping their victim. We must eliminate the legal rewards which current law provides to these callous hit and run drivers. This legislation would do just that. I applaud the Committee for taking action and am hopeful that it will soon be passed by the full Senate," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

The legislation (S2503), which Senator Fuschillo is sponsoring with Senator Martin Golden, would raise the penalties for hit and run crimes so that they are commensurate with charges faced by a drunk driver who causes physical injury or death and remains at the scene of the accident. Under the legislation:

- Drivers who leave the scene of a fatal accident would face class "C" felony charges, punishable by up to 15 years in prison.
- Drivers who leave the scene of an accident which involved serious injury would face class "D" felony charges, punishable by up to seven years in prison.
- Drivers who leave the scene of an accident which involved property damage would face class "E" felony charges punishable by up to four years in prison.

There have been several recent cases of hit and run drivers receiving light sentences for their crimes, most notably the tragic hit and run death of Erika Hughes, a 24-year-old Mastic resident and mother of a 15-month-old girl. Ms. Hughes was struck and killed in July 29, 2011 while walking along a Mastic Beach road. The driver of the car fled the scene and was not arrested until the following April. The driver ultimately plead guilty and received a sentence of only 1 1/3 to 4 years in prison.

Suffolk County District Attorney Thomas J. Spota, who strongly supports tougher penalties for hit and run drivers, said “Drivers who flee the scene of an accident and avoid apprehension should not be treated more leniently than the responsible driver who does not attempt to avoid responsibility. The solution is tougher penalties for leaving the scene and I commend Senator Fuschillo for leading this effort.”