



NEW YORK STATE SENATOR

Lee M. Zeldin

State Senate Passes Bill Increasing Hit-and-Run Penalties

LEE M. ZELDIN February 11, 2013

| ISSUE: **DRUNK DRIVING**

Senator Lee Zeldin (R-C-I, Shirley) today announced that legislation (S.2503) he cosponsored to increase the penalties for leaving the scene of a hit-and-run accident has been passed by the New York State Senate.

“The tragic hit-and-run death of Erika Hughes, a 24-year-old Mastic resident and mother of a 15-month-old girl, and the subsequent insufficient punishment of the driver who struck her and left her to die, became the rallying cry in my Senate District for serious changes in the law,” said Senator Zeldin. Hughes’ killer only received a sentence of 1 1/3 to 4 years in prison.

After the January 4, 2013 sentencing, Zeldin and his colleagues acted swiftly to 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 is Senator Martin Golden (R-C-I, Brooklyn). Assemblyman Steven Cymbrowitz (D, Brooklyn) has introduced a similar bill in the State Assembly (A.1533). In addition, Senator Zeldin also voted for legislation (S.1919) passed by the Senate today, and sponsored by Senator Joseph P. Addabbo (D-Queens), which would increase the penalties for driving with a suspended or revoked license. Erika Hughes' killer was also found guilty of a similar offense.

“In Erika’s case, we will never know if her perpetrator was also guilty of driving drunk or under the influence of drugs since he fled the scene and months passed before he was caught,” said Senator Zeldin. “Because of the way the law is written now, drunk and impaired drivers have figured out that they can receive less of a punishment if they flee the scene of an accident.”

Drivers under the influence of drugs or alcohol can actually avoid tougher sentences 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, "Most people are responsible enough to stop after they have been in an accident. It is unconscionable 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 and help their victim, the law should more appropriately reflect the seriousness of this crime. Had Erika Hughes received medical attention immediately, she might still be here today. Drivers, like the coward who left Erika to die on the road, should be held accountable for their actions. That's what this bill does. It sends a clear message that when you leave the scene of an accident, you are leaving the scene of a crime. And you will be punished severely for that offense."

The bill was sent to the Assembly.