



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo: Case of Driver Escaping Jail After Killing Ncpd Officer Highlights the Need for Stronger Laws

CHARLES J. FUSCHILLO JR. February 22, 2013

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Will Sponsor Legislation Creating Stronger Penalties for Drivers Who Kill or Injure Police Officers, Emergency Personnel, and Hazard Workers

Senator Charles J. Fuschillo, Jr. (R-Merrick) today called for stronger penalties for drivers who kill or injure police officers, emergency personnel, or hazard workers. Senator Fuschillo's call for the new law comes after a driver who killed Nassau County Police Officer Michael Califano pled guilty and will not face any jail time for his actions.

Officer Califano was killed in February 2011 while performing a traffic stop on the side of the Long Island Expressway. Despite that fact the Officer Califano's cruiser was stopped on the shoulder with its lights flashing, his car was struck from behind by a truck driven by John Kaley. Despite being responsible for Officer Califano's death, Mr. Kaley pled guilty to reckless driving, which is an unclassified misdemeanor, and will not spend any time in jail. Current state law does not allow for a driver to face felony charges under these circumstances.

"This tragedy is a prime example as to why our laws need to be strengthened. Emergency personnel and hazard workers risk their lives every single day while working on our roadways. We enacted the 'move over law' to help provide them with an additional level of safety, but the law needs to be enhanced to ensure that drivers who harm these individuals while breaking this law face tougher penalties. Strengthening the state's move over law will create a stronger incentive for drivers to follow the law and ensure that those who kill or injure someone while breaking it are held accountable," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

The "move over law" requires drivers approaching stopped police, emergency or hazard vehicles with their lights flashing to move over at least one lane away from that vehicle if traffic conditions allow. Violators face a fine between \$250 and \$400 and/or up to 30 days imprisonment, as well as two penalty points on their driver's license. However, the law does not include any enhanced penalties if a driver causes death or serious physical injury as a result of violating the law.

Senator Fuschillo will be introducing legislation to strengthen the "move over law" by creating enhanced penalties for drivers who cause death or serious injury. Drivers who violate the "move over law" and kill a police officer, emergency responder, or hazard worker would face class D felony charges punishable by up to seven years in prison. Drivers who seriously injure one of these individuals as a result of violating the "move over law" would face class E felony charges punishable by up to four years in prison. This would ensure that offenders who kill or seriously injure a police officer, emergency responder, or highway worker are held accountable for their actions.