



NEW YORK STATE SENATOR

Hugh T. Farley

Sen. Farley Reports Senate Approves Bill to Prevent Intoxicated Drivers From Avoiding Prosecution

HUGH T. FARLEY June 12, 2013

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State Senator Hugh T. Farley (R, C, I – Schenectady) reported the New York State Senate passed legislation recently to prevent drunk and drugged drivers from evading prosecution. The legislation would allow law enforcement to seek court orders to compel whenever suspected drunk or drugged drivers refuse to submit to a chemical intoxication test.

Chemical tests, such as breath, blood and urine tests, determine a suspected drunk or drugged driver's level of intoxication. Chemical tests are a critical piece of evidence used in a trial to prosecute a drunk or drugged driver for their crimes.

Under current law, drivers who refuse to submit to a chemical test face an automatic license revocation period and a fine. Law enforcement can petition a judge to order a suspected intoxicated driver to submit to a chemical test, but only in cases where someone has been killed or seriously injured. In any other instance, they cannot petition the court for an order to compel. As a result, intoxicated drivers are able to avoid prosecution for a DWI.

The legislation (S757) would give law enforcement the authority to seek an order to compel in any instance where reasonable cause exists that a driver is driving under the influence and that driver refuses to submit to a chemical test. This would prevent an intoxicated driver from avoiding prosecution for DWI by refusing to cooperate with law enforcement.

The bill was sent to the Assembly.