NEW YORK STATE SENATOR

Kenneth P. LaValle

Senator LaValle: Senate Approves Bill Requiring Blood Testing After Deadly Accidents

Kenneth P. LaValle

May 7, 2014

ISSUE:

- Alcohol

Senator LaValle: Senate Approves Bill Requiring Blood Testing After Deadly Accidents

Faster Field and Blood Alcohol Level Testing Would Strengthen Investigations of Serious Accidents

May 6, 2014 – Senator Ken LaValle said today that the Senate passed legislation to help police investigate deadly automobile accidents by requiring field testing and blood alcohol level checks by law enforcement officers.

Senator LaValle said, "We have worked to strengthen Driving While Intoxicated laws time and time again with the thought that by increasing penalties, the public would become further educated as to the devastating consequences. This bill would give enforcement increased ability and another tool to keep more drunk drivers off the road, which would better protect the public."

Field tests and blood alcohol level tests are a critical piece of evidence used in a trial to prosecute drunk drivers for their crimes. Under current law, if a driver does not display signs that would lead an investigator to conclude alcohol may be involved in a crash, the driver is not compelled to be tested. Additionally, law enforcement must obtain a court order to test drivers who refuse to submit to chemical tests when someone has been killed or seriously injured. This enables some intoxicated drivers to avoid prosecution for DWI.

The bill would give law enforcement the ability to require all drivers to submit to field sobriety tests and blood alcohol level tests at the scene or in the hospital when there is a serious injury or death. The tests can be used to determine if intoxication was a factor in the crash and identify the driver that was responsible. Refusal by a driver to consent to the tests would be treated as a presumption of guilt and made part of the police report that can be used at trial.

The bill has been sent to the Assembly for consideration.