



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Gallivan Re-Introduces Alix's Law

PATRICK M. GALLIVAN February 6, 2015

| ISSUE: **CRIME, TRANSPORTATION, DRUNK DRIVING, COURTS**



Senator Patrick M. Gallivan (R-C-I, Elma) and Assemblywoman Crystal Peoples-Stokes (D-Buffalo) have introduced legislation (S.405/A.4760) that would make it illegal to leave the scene of an accident while intoxicated. A similar bill has passed the Senate in the past, but the measure has never passed in the Assembly.

“I want to thank Assemblywoman Peoples-Stokes for leading the fight for this important piece of legislation in the Assembly,” Senator Gallivan said.

The legislation is named for Alix Rice, a Western New York teenager who was killed in 2011. Rice, who was 18 at the time, was struck by a drunk driver as she rode home on her long board in the Town of Amherst. The driver argued that he was not aware he had hit a person and he was acquitted on the felony charge of leaving the scene of an accident. The defendant was convicted on a lesser charge of operating a vehicle while under the influence of alcohol.

“Too many innocent lives have been cut short because of the reckless behavior of drunk drivers. This legislation closes a dangerous loophole and holds drunk drivers accountable for their actions,” Senator Gallivan said.

The current law only requires drivers to report an accident when they know or have reason to know the accident resulted in an injury or property damage. Under this loophole, drunk drivers are able to flee the scene of an accident they caused and later claim they did not know any injury or damage occurred.

The legislation modifies the current statute so that drivers illegally operating their vehicle under the influence of drugs or alcohol are held responsible when they leave the scene of an accident. It also presumes that an intoxicated driver knew, or has reason to know, that damage or injury has occurred and should have stopped to investigate.

“Under current law, intoxicated drivers are not responsible for knowing if they have caused personal injury or property damage. I look forward to working on changing that law,” said Assemblywoman Peoples-Stokes. “If you make the choice to drive while intoxicated, you have to live with the results of your impaired judgment, the same as the families of the innocent victims do. Licensed motorists have a duty to share the road responsibly and ensure that they are able to actively respond to accidents and emergencies when they occur. I look forward to closing this legislative gap and ensuring that prosecutors do not have the burden of proving whether an intoxicated driver was aware of an accident while driving.”