



NEW YORK STATE SENATOR

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## Governor Signs Law to Allow Prosecutors to Charge Drunk Drivers Who Kill WITH Homicide

CATHARINE YOUNG August 1, 2007

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Legislation that creates the new charge of aggravated vehicular homicide for drunk drivers who kill others and aggravated vehicular assault for drunk drivers who injure other people has been signed into law by Governor Eliot Spitzer.

This law gives prosecutors in New York State the tools they need to appropriately charge drunk drivers who kill or injure others.

Senator Charles J. Fuschillo, Jr. introduced the legislation in the State Senate after the tragic deaths of seven-year-old Katie Flynn and 59-year-old limo driver Stanley Rabinowitz who were in a limousine when they were hit head-on by Martin Heidgen, a drunk driver who was driving on the wrong side of the Meadowbrook Parkway on Long Island in 2005.

The law creates the new crime of aggravated vehicular homicide, a class B felony with a penalty of up to 25 years in prison. This crime will apply to criminals who kill someone in a drunk or drugged driving crash and also have at least one of the following:

- > BAC of .18 or higher;
- > prior DWI conviction within the last 10 years;
- > crash caused the death of more than one person;
- > crash killed one person and severely injures another;
- > offender was driving with a suspended or revoked license from any state.

The law also creates the new crime of aggravated vehicular assault, a class C felony with a penalty of up to 15 years in prison. This crime will apply to drunk or drugged drivers who cause serious physical injury to another person and also have at least one of the following:

- > BAC of .18 or higher;
- > prior DWI conviction within the last 10 years;
- > crash caused serious injury to more than one person;
- > offender was driving with a suspended or revoked license from any state.

The new law takes effect on November 1.