



NEW YORK STATE SENATOR

Dale M. Volker

Senator Volker Passes Stiffer Penalties Against Those Who Drink and Drive WITH Children in the Vehicle

DALE M. VOLKER November 18, 2009

(Depew, NY) Senator Dale M. Volker (R-C-I-, Depew) today announced Senate passage of a bill that would call for felony charges for individuals who drive drunk with a child in the car.

"Driving while intoxicated is bad enough and places the public at risk, and the State of New York, working with state, county and local law enforcement have done an excellent job in reducing this dangerous behavior," said Senator Volker. "Driving while intoxicated with children in the car is simply inexcusable, places innocent children at risk of death or significant harm and why this legislation is needed."

The legislation passed by the State Senate will do the following:

- * Individuals who drive drunk with a child under the age of 16 in the car would be charged with a class E felony and face up to four years in prison and/or a fine of up to \$5,000;
- * Expand the state's aggravated vehicular homicide law to include drunk drivers who kill a child under the age of 16. In addition, it would raise the penalty for aggravated vehicular homicide to a class B violent felony punishable up to 25 years in prison;

* Expand the state's aggravated vehicular assault law to include drunk drivers who seriously injure a child under the age of 16. In addition, it would raise the penalty for aggravated vehicular assault to a class C violent felony punishable up to 15 years in prison.

Adults driving drunk with a child in the car remains a problem throughout New York State. There have been numerous examples over the years where parents were arrested for drunk driving with children in the car. The recent tragedy on the Taconic Parkway in which a mother who was allegedly driving drunk killed 7 other people, including 4 children riding in her

car, shows that this behavior can have deadly consequences.

“We often hear of the tragedies that take place when one chooses to drink and drive,” said Senator Volker. “Children have little choice in the matter when an adult places them in a dangerous situation. It is simply irresponsible for people who drive while intoxicated with children in the car, and why this legislation is needed.”