



NEW YORK STATE SENATOR

George D. Maziarz

Abbagail's Law approved in Senate

GEORGE D. MAZIARZ April 6, 2011

| ISSUE: **DRUNK DRIVING**



Senator George Maziarz (R-C, Newfane) is pleased to announce that legislation (S.164) he sponsors known as “Abbagail’s Law” was approved in the State Senate this afternoon by a vote of 56-1. Abbagail’s Law would make it clear that any individual acting as a supervising driver while under the influence of alcohol or drugs shall be guilty of a Class A misdemeanor. It also creates the crime of aggravated supervising a driver while under the influence of alcohol or drugs, which shall be a Class E felony.

“It’s simple to understand: if you are supervising a younger driver, you must be sober. Otherwise, the consequences can be tragic, like in the case of young Abbagail Buzard. When that happens, we have to have a way to bring the guilty to justice,” Senator Maziarz said.

The measure is named for Abbagail Buzard, an eight-year old girl from Orleans County who was killed in an automobile accident on the night of September 4, 2009. After drinking at a family party, Abby’s father convinced a 17-year old cousin who had a learner’s permit to drive him to a store to buy more alcohol. Unfortunately, Abby was in the car, and she lost her life after the inexperienced driver crashed after speeding on a curvy rural road. While the driver that night violated numerous laws, Abby’s father could

not be held criminally responsible even though he was supposed to be the supervising adult in the car. “This law will be a wonderful way to immortalize Abby and save other children,” said Necole Buzard, Abby’s mother, who has become a staunch advocate for the legislation.

“Abbagail’s Law closes a big loophole by making it clear that ‘supervising drivers’ who are drunk or high will be held accountable for their irresponsible actions.” Senator Maziarz added. “Abby had her whole life in front of her, and she had it taken away. We owe it to her and her mother to try to change the system.” Orleans County District Attorney Joseph Cardone said, “Permitted drivers should not be used as ‘designated drivers.’ This distinction needs to be made. While Abbagail’s life has been lost, her family will be comforted by knowing her tragedy may save the lives of others.”

Companion legislation has been introduced in the Assembly by Assemblyman Steve Hawley (R-C, Batavia).

Abbagail Buzard will be remembered during a candlelight vigil on April 15 at 7:00 PM at the Orleans County Courthouse in Albion. The event, coordinated by the Orleans County District Attorney Crime Victim Assistance Program, will be held to pay tribute to all victims of crime, with a keynote address by Abby’s mother, Necole.

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