



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Passes “Tiffany’s Law”

DEAN G. SKELOS February 13, 2012

Bill Would, For the First Time, Link Convictions for Operating Different Vehicles While Intoxicated

The New York State Senate today passed “Tiffany’s Law” (S.2860A), sponsored by Senator John A. DeFrancisco (R-C-I, Syracuse). The bill would require all prior convictions of operating a vehicle while intoxicated, whether it be an automobile (DWI), snowmobile (SWI), or all-terrain vehicle, be considered during sentencing of a subsequent Boating While Intoxicated (BWI) conviction. In turn, any person convicted of BWI would have that charge considered during any subsequent DWI, SWI or ATV offense.

The legislation is named after Tiffany Heitkamp, a young Syracuse-area woman who was killed in 2006 while riding in a boat being operated by an intoxicated driver. The driver of the boat had a record of alcohol-related automobile incidents, but because there is no link between DWIs, BWIs and SWIs, he could only be charged as if this was his first offense.

"Tiffany Heitkamp lost her life because the operator of the boat in which she was a passenger was operating the vessel while intoxicated," said Senator DeFrancisco. "The individual had a record of alcohol-related driving infractions. However, because current law does not provide for a linkage between previous DWI's or BWI's the individual could only be charged as a first time offender. If an individual has a history of operating a vehicle or vessel

while under the influence of alcohol, whether it be on our roadways, waterways or recreational trails, that should be taken into account when an individual is charged and sentenced."

"There should be no distinction when it comes to operating a snowmobile, car or boat while drunk," Senator DeFrancisco said. "As we witnessed with the death of Tiffany Heitkamp, all instances are reckless and can have deadly consequences. The Senate has passed this bill for several years, and I'm hoping that the Assembly will bring this important bill to the floor and pass it this year."

"Drinking and then operating a vehicle is reckless and irresponsible, and when someone makes the bad decision to do so they are taking the lives of innocent people into their hands," said Senate Majority Leader Dean Skelos. "If an individual repeatedly drinks and drives -- whether it's a boat, a car, a snowmobile, or any other kind of vehicle -- they should not be able to get off the hook lightly. Each and every prior charge should be considered in their sentencing, and this legislation will ensure that they are."

Under current law, repeat DWI, BWI, or SWI offenders are subject to increased penalties, including license revocation, fines, and incarceration. However, because there is no current link between these offenses, it is possible to be convicted in separate cases of DWI, BWI, SWI, or operating an ATV while intoxicated and be treated as a first time offender in each instance.

The bill was sent to the Assembly.