



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo Calls for Stronger Penalties for Hit & Run Drivers

CHARLES J. FUSCHILLO JR. January 18, 2013

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Senator Charles J. Fuschillo, Jr. (R-Merrick) is sponsoring legislation to raise penalties for drivers who leave the scene of an accident which causes injury or death.

Under current law, drivers who leave the scene of accident and are caught later on often face lesser penalties than they would if they were caught at the scene, especially if they were driving under the influence. As an example, a driver who leaves the scene of an accident which involved serious physical injury faces a class “E” felony charge, which carries a penalty of up to four years in jail. However, had the driver stayed at the scene of the accident, they could face a class “D” felony, which carries a penalty of up to seven years in jail. This disparity encourages drivers to flee from the accident scene rather than stay and get help for their victim.

“There should be no legal benefit for seriously injuring or killing someone, fleeing the scene, and leaving that victim helpless in the road. Unfortunately, that happens under current law right now. We need to remove the legal incentives which reward people for leaving the scene of an accident. That is exactly what this legislation would do,” said Senator Fuschillo, Chairman of the Senate’s Transportation Committee.

The legislation (S2503), which Senator Fuschillo is sponsoring with Senator Martin Golden, would raise the penalties for hit and run crimes so that they are commensurate with charges faced by a drunk driver who causes physical injury or death and remains at the scene of the accident. This would help ensure that drivers do not receive a legal benefit for leaving the scene of an accident. Under the legislation:

- Drivers who leave the scene of a fatal accident would face class “C” felony charges, punishable by up to 15 years in prison.
- Drivers who leave the scene of an accident which involved serious injury would face class “D” felony charges, punishable by up to seven years in prison.
- Drivers who leave the scene of an accident which involved property damage would face class “E” felony charges punishable by up to four years in prison.

There have been several recent cases of hit and run drivers receiving light sentences for their crimes, most notably the tragic hit and run death of Erika Hughes, a 24-year-old Mastic resident and mother of a 15-month-old girl. Ms. Hughes was struck and killed in July 29, 2011 while walking along a Mastic Beach road. The driver of the car fled the scene and was not arrested until the following April. The driver ultimately plead guilty and received a sentence of only 1 1/3 to 4 years in prison.

The legislation was passed by the New York State Senate in 2011 and 2012, but the Assembly did not act on the measure.